FEDERAL REGISTER

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Regulations

TITLE 7—AGRICULTURE

Chapter VIII—Food Distribution Administration

PART 802—SUGAR DETERMINATIONS

PROPORTIONATE SHARES FOR SUGARCANE FARMS IN PUERTO RICO FOR THE 1942–43 CROP

Pursuant to the provisions of section 302 of the Sugar Act of 1937, as amended, the following determination is hereby issued:

§ 802.46d *Proportionate shares for sugarcane farms in Puerto Rico for the 1942–43 crop.* The proportionate share for any farm in Puerto Rico for the 1942–43 crop shall be the amount of sugar, raw value, commercially recoverable from sugarcane grown on such farm and marketed (or processed by the producer) for the extraction of sugar during the 1942–43 crop season.

This determination supersedes the "Determination of Proportionate Shares for Sugarcane Farms in Puerto Rico, Pursuant to the Sugar Act of 1937, as Amended," issued December 31, 1942, insofar as that determination relates to proportionate shares for the 1942–43 crop. (Sec. 302, 50 Stat. 910; 7 U.S.C., 1940 ed. 1132).

Done at Washington, D. C., this 17th day of March 1943. Witness my hand and the seal of the Department of Agriculture.

PAUL H. APPLEBY,
Under Secretary.

[F. R. Doc. 43–4163; Filed, March 17, 1943; 3:35 p. m.]

Chapter XI—Food Distribution Administration

[FDO 3, Amendment 3]

PART 1405—FRUITS AND VEGETABLES

RESTRICTIONS ON MANUFACTURE AND SALE OF CITRUS FRUIT JUICE

Pursuant to the authority vested in me by Executive Order No. 9280, dated December 5, 1942, and in order to assure an adequate supply and efficient distribution of citrus fruit juice to meet war and essential civilian needs, *It is hereby ordered*, That Food Distribution Order No. 3 (8 F.R. 255) issued on January 5, 1943, by the Secretary of Agriculture of the United States, as amended (8 F.R. 828; 8 F.R. 1303), be, and the same hereby is, amended to read as follows:

§ 1405.1 *Citrus fruit juice*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) The term "single-strength juice" means the juice extracted from oranges, lemons, or grapefruit, or any combination of such juices with other citrus juice or other juices, sweetened or unsweetened, with or without the addition of preservatives or the use of any other treatment, the effect of which is to preserve or change the character of such juices, but does not include concentrated juice.

(2) The term "concentrated juice" means the juice extracted from oranges, lemons, or grapefruit, or any combination of such juices with other citrus juice or other juices, with or without the addition of preservatives or the use of any other treatment, the effect of which is to preserve or change the character of such juices, treated or processed in such manner as to reduce it to a powdered form or to increase the density thereof to more than 16 degrees Brix at 20 degrees Centigrade: *Provided*, That where the increase in density results solely from the addition of sugar or other ingredients, the resultant product shall be considered as single-strength juice and not as concentrated juice.

(3) The term "government war contracts" means sales contracts of any type entered into between a processor directly, or indirectly through third parties, and a governmental agency.

(4) The term "person" shall mean any individual, partnership, corporation, association, or other business entity.

(5) The term "quota period" means a period of time established by the Director.

(6) The term "processor" means any person in the business of extracting juice from oranges, lemons, or grapefruit for

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FEDERAL REGISTER

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processing as single-strength or concentrated juice.

(7) The term "producing area" means the States of California, Arizona, Texas, and Florida.

(8) The term "Director" means the Director of Food Distribution, United States Department of Agriculture, or any employee of the United States Department of Agriculture designated by such Director.

(9) The term "governmental agency" or "governmental agencies" means and includes the Army, the Navy, the Marine Corps, the Coast Guard, the War Shipping Administration, the United States Maritime Commission, the American National Red Cross, or any agency of the United States purchasing supplies for any of the foregoing, or for delivery to or for the account of the government of any country pursuant to the act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act): *Provided*, That U. S. Army or U. S. Marine Corps Post Exchanges, U. S. Navy Ship's Service Departments, and restaurants and cafeterias located on military or naval reservations are not included in the term "governmental agency" or "governmental agencies."

(10) The term "deliver" or "delivery" means delivery pursuant to a contract of sale.

(b) *Restrictions on production, sale, and delivery of citrus fruit juice.* (1) On and after March 23, 1943, without regard to existing contracts or the rights of creditors, no processor shall produce, except as authorized by the Director, any concentrated juice other than concentrated juice meeting the specifications prescribed either by the procurement division of any governmental agency or by a government war contract with such processor.

(2) Without regard to existing contracts or the rights of creditors, no processor shall sell or deliver, and no State or any subdivision thereof, no department or agency of the United States, and no person shall buy or receive any concentrated juice produced after January 9, 1943, except pursuant to a government war contract or as authorized by the Director.

(3) No processor who has facilities for producing or who is engaged in the business of producing concentrated juice shall produce any single-strength juice except for conversion into concentrated juice: *Provided*, That the Director may, from time to time, authorize a processor, who has concentrating facilities, to produce single-strength juice for sale as such.

(4) The Director may establish production quotas of concentrated juice for each processor, and if such quotas are produced prior to the end of the quota period the Director may, notwithstanding the provisions of (b) (3) hereof, authorize the production of single-strength juice and concentrated juice, or either, during the remainder of the quota period, for sale to other than governmental agencies.

(5) A processor may sell and deliver concentrated juice for use in the manufacturing of such medicinal products as may be approved by the Director under the provisions of this order: *Provided*, That the processor obtains and forwards, prior to each such sale or delivery, to the Director a statement from the purchaser to the effect that the concentrated juice is to be used exclusively in the manufacturing of such products.

(6) A processor may sell and deliver concentrated juice to any person who customarily supplies ocean-going vessels, if the purchaser uses such concentrated juice only for resale for use as necessary supplies on ocean-going vessels engaged in the foreign, coastwise, or intercoastal trade: *Provided*, That the processor obtains and forwards, prior to each such sale or delivery, to the Director a statement from the purchaser to the effect that the concentrated juice is to be resold exclusively for use on ocean-going vessels engaged in the foreign, coastwise, or intercoastal trade.

(7) The Director may, notwithstanding any other provision of this order, limit for any period or periods of time the production of single-strength juice for sale as such by each processor in the producing area, or such portions thereof as the Director may designate, to the quantity of single-strength juice which the Director deems to be advisable.

(8) Any decision, determination, or other action by the Director pursuant to the provisions of this order may be by general supplementary order or by written notices by the Director to the individual processor or person directly concerned.

(c) *Records and reports.* Every person subject to this order shall maintain such records for at least two years (or for such other periods of time as the Director may designate), and shall execute and file such reports upon such forms and submit such information as the Director may from time to time request or direct, and within such times as he may prescribe (specific recording or reporting requirements by the Director will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942).

(d) *Audits and inspections.* Every person subject to this order shall, upon request, permit inspections by the Director, at all reasonable times, of his stocks of single-strength juice and concentrated juice, respectively, and the premises used in his business, and all of his books, records, and accounts shall, upon request, be submitted to audit and inspection by the Director.

(e) *Applicability of order.* Any person doing business in one or more of the 48 States or the District of Columbia is subject to the provisions hereof, but the provisions hereof shall not apply to any person doing business in any Territory or Possession of the United States with respect to such business.

(f) *Violations.* Any person who wilfully violates any provision of this order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this order or wilfully conceals a material fact concerning a matter within the jurisdiction of any Department or agency of the United States may be prohibited from receiving or making further deliveries of any material subject to allocation; and such further action may be taken against him as the Director deems appropriate, including recommendations for prosecution under Section 35a of the Criminal Code (18 U.S.C. 1940 ed. 80), under Paragraph 5 of Section 301 of Title III of the Second War Powers Act, and under any and all other applicable laws.

(g) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may petition in writing (in triplicate) for relief to the Director, setting forth all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, and such action shall be final.

(h) *Communications to the Department of Agriculture.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: Director of Food Distribution, United States Department of Agriculture, Washington, D. C. Ref. FD 3.

(i) *Delegation of authority.* The Director is hereby designated to administer the provisions hereof.

(j) *Effective date.* This order shall take effect March 23, 1943. With respect to any violation of said Food Distribution Order No. 3, as heretofore amended, prior to the effective time of the provisions of this amendment, said Food Distribution Order No. 3, as heretofore amended, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation or liability.

(E.O. 9280, 7 F.R. 10179)

Issued this 18th day of March 1943.

CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 43-4184; Filed, March 18, 1943; 11:37 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VIII—Procurement and Disposal of Equipment and Supplies

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS

MISCELLANEOUS AMENDMENTS

The following amendments and additions to the regulations contained in Part 81 and Part 83 are hereby prescribed. These regulations are also contained in War Department Procurement Regulations dated September 5, 1942 (7 F.R. 8082), as amended by Change No. 11, February 19, 1943.[1] In section numbers the figures to the right of the decimal point correspond with the respective paragraph numbers in the procurement regulations.

General Instructions—Applicability of Regulations

Section 81.107 is amended as follows:

Paragraph (b) is amended by separating the present paragraph into subparagraphs (1) and (2) and adding subparagraph (3).

Paragraph (c) is amended by adding subparagraphs (5), (6), and (7) to paragraph *d.* of the quoted matter therein.

Paragraph (e) is amended by adding subparagraph (2) and changing paragraph headnote to indicate subparagraph (1).

§ 81.107 *Authority with respect to procurement.* * * *

(b) *Delegations from the Secretary of War to the Under Secretary of War.* (1) On April 21, 1941, the Secretary of War issued the following order: * * *

(2) Under date of December 30, 1941, the Secretary of War issued the following memorandum: * * *

(3) War Department Circular 59, issued under date of March 2, 1942, provides in part as follows:

1. The President has approved a reorganization of the War Department and the Army, *effective March 9, 1942.* Pending the issuance of detailed instructions and changes in regulation, a summary description of the new organization is furnished for the information and guidance of all concerned.

* * * * *

2*e*. Supply arms and services and War Department offices and agencies will come under the direct command of the Commanding General, Services of Supply as indicated below:

(1) Those parts of the office of the Under Secretary of War engaged in functions of procurement and industrial mobilization.

* * * * *

6*b*. The mission of the Army Air Forces is to procure and maintain equipment peculiar to the Army Air Forces, and to provide air force units properly organized, trained and equipped for combat operations. Procurement and related functions will be executed under the direction of the Under Secretary of War.

* * * * *

7. Services of Supply.—*a*. The duties and responsibilities placed on the Secretary of War by Section 5a of the National Defense Act, as amended, shall continue to be performed by the Under Secretary of War. The Director of Production shall continue to perform his present services reporting direct to the Under Secretary of War.

b. The Commanding General, Services of Supply, shall, on procurement and related matters, act under the direction of the Under Secretary of War and shall, on military matters, report to the Chief of Staff. The Commanding General, Services of Supply, is charged in general with the functions, responsibilities, and authorities of command authorized by law, Army Regulations, and custom over individuals and units assigned to the Services of Supply.

c. The mission of the Services of Supply is to provide services and supplies to meet military requirements except those peculiar to the Army Air Forces. Procurement and related functions will be executed under the direction of the Under Secretary of War.

d. The Services of Supply consolidates under the jurisdiction of the Commanding General, Services of Supply, the supply arms and services, certain administrative services of the War Department, certain parts of the office of the Under Secretary of War, certain boards and committees, general depots, ports of embarkation and auxiliaries, and corps areas, with such amalgamation, reallocation of duties, and reorganization as is necessary or advisable.

e. The following duties are specifically assigned to the Services of Supply:

(1) The direction and supervision of engineering research, development, procurement, storage, and distribution of supplies and equipment, except those peculiar to the Army Air Forces.

(2) The establishment of purchasing and contractual policies and procedure.

(3) Transportation and traffic control.

(4) Construction for the Army.

(5) The consolidation of programs and requirements of the Army with the programs and requirements received from Defense Aid and the Navy and procured by the Army.

(c) *Responsibilities of the Under Secretary of War fixed by AR 5-5.* * * *

d. * * *

(5) On the Patents and Design Board. Sec. 10 (r), act July 2, 1926 (44 Stat. 788; U.S.C. 10:310 (r); sec. 2041, M.L., 1929).

(6) On the Advisory Air Coordination Committee.

(7) In dealing with any interdepartmental or superdepartmental agency that may be created in connection with aeronautical matters.

* * * * *

(e) *Delegations from the Under Secretary of War*—(1) *To the Commanding*

[1] For previous changes see 7 F.R. 8163, 9268, 9660, 10184, 10247, 10640, 10906, and 8 F.R. 401, 411, and 2631.

General, Services of Supply. Under date of September 15, 1942, the following memorandum was issued by the Under Secretary of War:

* * * * *

(2) *To the Chief of Staff.* Under date of January 11, 1943, the following memorandum was issued by the Under Secretary of War:

Memorandum For The Chief of Staff:

1. There is hereby delegated to the Chief of Staff full power, in connection with operations subject to his direction and control, to exercise any of the authority and powers pursuant to Executive Order No. 9001 delegated to the undersigned by the Secretary of War by instrument dated December 30, 1941 [see Procurement Regulations, § 81.107 (b)]. The Chief of Staff may, pursuant to Executive Order No. 9001, exercise such powers either personally or through such officer or officers or civilian officials of the War Department as he may direct and he may confer upon such officers or civilian officials the power to make further delegations of such powers within the War Department.

2. All action heretofore taken by the Chief of Staff or by the direction of the Chief of Staff, that would by this delegation be authorized, is hereby ratified and confirmed. There is hereby expressly conferred upon the Chief of Staff the power and authority to ratify and confirm any action heretofore taken by any person responsible directly or indirectly to the Chief of Staff that would by this delegation of authority be authorized.

Dated this 11th day of January 1943.

ROBERT P. PATTERSON,
Under Secretary of War.

Section 81.108 (a) is amended and § 81.108 (f) is added as follows:

§ 81.108 *Applicability as to various activities.* (a) Except as indicated in paragraph (f) of this section War Department Procurement Regulations are applicable to all procurement activities of the War Department. Such activities include, but are not necessarily limited to, the following:

(1) Purchase of supplies, materials, equipment and services.

(2) The procurement of construction work, including that on rivers and harbors.

* * * * *

(f) *Procurement and contracting authority of Commanding Officers outside continental United States.* In general, Commanding Officers in charge of United States Armed Forces outside the continental United States and its territories and possessions including Alaska are not required, in connection with the procurement of supplies necessary to accomplish the mission confided in them, to comply with the Procurement Regulations or any other regulations, circulars or instructions or with any provisions or restrictions of the laws of the United States which may be applicable within the United States or any territory or possession thereof. This matter is more fully treated in Section I of War Department Circular No. 21, 1943. Likewise, Commanding Officers in charge of United States Armed Forces outside the continental United States but within the territories or possessions of the United States including Alaska, who are responsible directly to the War Department, in connection with the procurement of supplies necessary to the accomplishment of the mission confided in them are authorized to disregard Procurement Regulations and other War Department Regulations, restrictions, circulars and instructions, and when they find that to do so will facilitate the prosecution of the war, they are authorized to disregard the provisions of law relating to procurement; all subject however to (1) Title II of the First War Powers Act, 1941, (2) the restrictive provisions contained in Executive Order No. 9061 and (3) any law approved after December 18, 1941. This matter is more fully set forth in Section II of War Department Circular No. 21, 1943.

Contracts—General

Section 81.302 (c) is amended by redesignating the present paragraph (c) as subparagraph (1) and adding subparagraphs (2) to (5) as follows:

§ 81.302 *Definitions.* * * *

(c) *Contracting officer.* (1) * * *

(2) Except when otherwise in the instrument specifically provided, the words "contracting officer", as used in any existing or future contract, supplemental agreement or change order, are construed to include the contracting officer who executed the instrument and his duly appointed successor or authorized representative.

(3) Representatives may be designated as follows:

(i) The chief of a supply service may designate any officer or civilian official to act as representative of the contracting officer who executed a contractual instrument, or of the latter's duly appointed successor;

(ii) A commanding officer may designate any contracting officer assigned to his command or station as representative of any other contracting officer assigned to the same command or station who executed a contractual instrument, or of the latter's duly appointed successor so assigned;

(iii) The contracting officer who executed a contractual instrument, his duly appointed successor, and any representative designated pursuant to (i) or (ii) of this subparagraph (3), may designate any officer or civilian official to act as his representative.

(4) The designations authorized in subparagraph (3) may be made by instructions relating to particular contractual instruments or classes of such instruments, or to certain or all functions thereunder; but in no event shall anyone other than a contracting officer be empowered to execute any contractual instrument.

(5) All action heretofore taken which would have been valid if this paragraph (c) had then been in effect, is hereby ratified and confirmed.

Authority To Make Awards, Contracts, and Modifications Thereof; Required Approvals

Section 81.308d is amended as follows:

§ 81.308d *Ratification of prior action.* In any case where an existing War Department contract or any section of these Procurement Regulations requires that any action affecting a War Department contract be approved by a contracting officer, chief of a supply service or other representative of the War Department in advance of taking of such action or that it be so approved in writing by a stated time, such action may be approved or ratified in writing by such officer or representative of the War Department after such action has been taken or after such stated time. Such approval or ratification will take effect retroactively as of the date specified in the written instrument of approval or ratification. In general, cases which are appropriate for the exercise of the authority contained in this section will fall into one of two categories, namely: (a) cases where, in the interest of expediting production and without obtaining the requisite prior approvals, action has been taken in reliance in good faith upon assurances of a person in authority, or (b) cases where the action taken without such assurances was of a nature which would have been approved had approval been sought seasonably. The prosecution of the war will be facilitated by the liberal use of the authority contained in this section.

Formalities in Connection With Execution of Contracts and Modifications Thereof

Section 81.309 (b) and (c) are amended as follows:

§ 81.309 *Numbering contracts.* * * *

(b) *System.* * * *

(4) In the case of contracts executed within a service command which are to be paid with funds allotted to the Service Command by the Commanding General, Services of Supply, some appropriate symbol in parenthesis to indicate the Service Command. This should immediately follow the symbol required by subparagraph (3) above. To illustrate, contracts executed within the First Service Command might contain immediately after the symbol, which indicates the portion of the allotment which is to be charged, the designation "(S. C. 1)".

(5) A serial number, separated from the above by a hyphen, commencing with the number 1 and continuing in succession indefinitely without regard to the fiscal year. When the serial number reaches the limit of five digits (99,999), a new series will be used beginning with the serial number 1 and followed by the capital letter "A". Should additional series become necessary, they will be distinguished by the capital letters "B", "C", "D", etc., as may be required.

(c) *Examples.* (1) Based upon paragraph (b) above, the following is the number of the first numbered contract executed by the Philadelphia Quartermaster Depot:

W–669 qm–1

(2) Based on paragraph (b) above, the following is the number of the first numbered contract executed at Fort Bragg, North Carolina:

W–159 qm (S. C. 4)–1

The second illustration above is on the assumption that the contract is to be paid with funds allotted to the Fourth

Service Command by the Commanding General, Services of Supply and that the portion of such funds to be charged is the portion for Quartermaster equipment.

* * * * *

Section 81.313 (a) and (b) are amended as follows:

§ 81.313 *Form of supplemental agreements and change orders*—(a) *Supplemental agreements.* (1) Supplemental agreements will be reduced to writing and signed by the contracting parties. Supplemental agreements will bear the same identification as the contract which is thereby modified or amended, and will be lettered or numbered, whichever method is authorized by the chief of the supply service concerned, in the order in which the modifications or amendments to the contract are issued. One continuous series of lettering or numbering as the case may be, will be used for each contract, even though it is modified or amended, both by supplemental agreements and by change orders.

(2) Whenever it is desired to effect a modification of more than one contract, it is permissible, in lieu of executing separate supplemental agreements for each contract, to execute a single supplemental agreement. This may be particularly desirable in effecting reductions in the total contract price of more than one contract or in the unit prices payable for items deliverable under more than one contract, (whether in conjunction with renegotiation under the provisions of the Sixth Supplemental National Defense Appropriation Act, 1942 or otherwise). Such supplemental agreements should be numbered in accordance with subparagraph (1) above as a supplemental agreement to each contract modified thereby. This may be done either on the face thereof or on an exhibit thereto. The following illustrates the type of designation that should be given such a supplemental agreement:

Supplemental Agreement No.:	*Contract No.*
3	W 669 qm–1
4	W 669 qm–2
8	W 669 qm–3

The above designations indicate that the single supplemental agreement constitutes the third modification of contract number W 669 qm–1; the fourth modification of contract number W 669 qm–2 and the eighth modification of contract number W 669 qm–3.

(b) *Change orders.* Change orders will be in the form of letters addressed to the contractor, and will specify the number of the contract concerned, the changes to be made, the increase or decrease in price and time for performance, and such other terms as may be necessary. Change orders will bear the same identification as the contract which is thereby modified or amended and will be lettered or numbered whichever method is authorized by the chief of the supply service concerned, in the order in which the modifications or amendments to the contract are issued. One continuous series of lettering or numbering as the case may be will be used for each contract, even though it is modified or amended both by supplemental agreements and by change orders.

Distribution of Contracts and Orders Thereunder

Section 81.315 is amended as follows:

§ 81.315 *General.* * * *

(b) All instructions relating to distribution of contracts are subject to the provisions of AR 380–5 and all other current instructions governing the safeguarding and disclosing of information affecting the national defense of the United States. The General Accounting Office has requested that when contracts containing secret or confidential matter are forwarded to it, such contracts be transmitted under two covers, each cover to be addressed to the Contract Service Section, Audit Division, General Accounting Office, 431 Old Post Office Building, Washington, D. C., Attention of Mr. Arthur S. Eaton. The inner cover only will be marked "Personal and Confidential."

Section 81.317a is added as follows:

§ 81.317a *Supplemental agreements and change orders.* (a) Signed numbers and copies of supplemental agreements and change orders will be distributed in the same manner as is prescribed for the contracts to which they pertain and the contracting officer will note on his retained copy of the supplemental agreement or change order the date on which the contractor's number was delivered or mailed to him. When, pursuant to § 81.313 (a) (2), a single supplemental agreement is executed to modify more than one contract, the following procedure will be followed:

(1) The original signed number will be forwarded to the General Accounting Office.

(2) The duplicate signed number will be filed with the contracting officer who supervised the execution thereof or with the chief of the supply service concerned and correct copies of the supplemental agreement will be furnished to the contracting officers under all of the contracts affected by the supplemental agreement.

(3) The triplicate signed number will be forwarded to the contractor.

(4) An authenticated copy will be forwarded to the disbursing officer under each contract affected by the supplemental agreement.

Section 81.318 (a) is amended as follows:

§ 81.318 *Special cases*—(a) *Purchases under contracts of Procurement Division, Treasury Department; Navy Department; Post Office Department; etc.* * * *

(2) The chief of the supply service concerned will secure compliance with all special instructions of the respective agencies which make the contracts. For example, the regulations of the Procurement Division Treasury Department require that a copy of all purchase orders placed under General Schedule of Supplies Contracts be forwarded to that Division.

* * * * *

Miscellaneous

Section 81.318c is redesignated § 81.318b (d) and paragraph (e) is added to § 81.318b, the section headnote being amended as follows:

§ 81.318b *Charges for telegraph, cable and radio messages in cost-plus-a-fixed-fee contracts.* * * *

(d) *Cable and radio messages in cost-plus-a-fixed-fee contracts.* Cable and radio messages sent by cost-plus-a-fixed-fee contractors, or their representatives, pertaining to cost-plus-a-fixed-fee contracts will also be paid for directly by the Government, and the procedure outlined in paragraph (c) of this section will be followed in handling and in paying for such messages when transmitted by telegraph companies.

(e) *Contract clauses.* In connection with paragraphs (a)–(d) of this section, see contract clause set forth in § 81.359.

Mandatory and Optional Contract Provisions

Section 81.324 (f) is added as follows:

§ 81.324 *Termination for convenience of the Government.* * * *

(f) There may be added to paragraph (d) of the contract articles set forth in paragraphs (a) and (b) of this section the sentence set forth below in any case where the contractor desires to have such sentence inserted:

The foregoing subparagraph (2) of this paragraph (d) shall be construed as requiring the Contracting Officer to approve the payment to the Contractor of, or the reimbursement of the Contractor for, the amount of any final judgment rendered by a court of competent jurisdiction determining the liability of the Contractor upon an obligation or commitment which the Contracting Officer finds to have been incurred or entered into with respect to the uncompleted portion of this contract, or for such part of such judgment as the Contracting Officer finds to have been based upon such a liability of the Contractor: *Provided*, (1) That the Contracting Officer shall find that the Contractor in good faith made reasonable attempts to negotiate an adjustment of such liability without litigation and (2) that the Contractor shall have given the Contracting Officer prompt notice of the initiation of the proceedings in which such judgment was rendered and shall have offered the Government control of the defense of the proceedings.

The above sentence is deemed to effect no substantial change in the meaning of the language contained in said contract articles.

Paragraph (f) of the Advance Payments Clause quoted in § 81.347 is amended as follows:

§ 81.347 *Advance payments; fixed-price contracts, with interest.* A clause substantially as follows will be included in fixed-price contracts when it is contemplated that advance payments with interest will be made thereon:

Advance payments. * * *

(f) On the unliquidated balance of the advance payments outstanding, the contractor agrees to pay interest at the rate of two and one-half per cent per annum. Such interest shall be computed at the end of each calendar month on the average daily balance of the principal of the unliquidated

advance payments outstanding. In determining such balance, charges on account of the advance payments to the contractor hereunder shall be made as of the dates of the checks therefor; credits arising from deductions from payments to the contractor under this contract shall be made, upon the issue of the check for such payment, as of the dates of shipment as indicated on the contractor's invoice and/or Government Receiving Report; and credits arising from cash repayments to the Government by the Contractor shall be made as of the dates the checks therefor are received by the disbursing officer. As soon as such monthly computations shall have been made, the interest so determined shall be deducted from the payments otherwise due to contractor under this contract: *Provided, however,* That in no event shall deductions on account of interest exceed five per cent (5%) of the gross payment due the contractor prior to any deduction under this paragraph or paragraph (e) or any other provisions of this contract. In the event the accrued interest exceeds such five per cent, the excess of such interest shall be carried forward and deducted from subsequent payments. The interest shall not be compounded, and shall, subject to the provisions of paragraph (d) hereof, cease to accrue upon the termination of the contract for other than the fault of the contractor, or upon the date found by the Contracting Officer to be the date upon which the contractor completed his performance under the contract.

* * * * *

Sections 81.348a and 81.348b are added as follows:

§ 81.348a *Advance payments: cost-plus-fixed-fee contracts; with interest.* A clause substantially as follows will be included in cost-plus-fixed-fee contracts when it is contemplated that advance payments with interest will be made thereon:

Advance payments. (a) At any time and from time to time after the execution of this contract, the Government at the request of the Contractor and subject to the approval of the _____ or his duly au-
(Chief of supply service)
thorized representative, or the person to whom authority to make advance payments has been delegated, as to the present need therefor, shall advance to the Contractor sums not to exceed _____ per centum (_____%) of the estimated cost of this contract (exclusive of the Contractor's fixed fee), as it may be amended from time to time. On the unliquidated balance of the advance payments outstanding, the Contractor agrees to pay interest at the rate of two and one-half percent (2½%) per annum to be computed in accordance with the provisions of paragraph (f) hereof.

(b) As a condition precedent to the making of any advance payment or payments as hereinbefore provided, the Contractor shall furnish the Government with such adequate security as the Under Secretary of War or the person to whom authority has been delegated to make advance payments shall prescribe: *Provided,* That, if other security is not prescribed, the terms of this contract shall be considered adequate security for such advance payments: *And provided further,* That if at any time the Under Secretary of War deems the security furnished by the Contractor inadequate, the Contractor shall furnish such additional security, in the form of a surety bond or surety bonds, as shall be satisfactory to the Under Secretary of War.

(c) Until all advance payments hereunder are liquidated, all funds received as advance payments under this contract together with all funds received as reimbursements for the cost of the work under Article _____ of this contract, exclusive of the Contractor's fixed fee, shall be deposited in a special bank account or accounts at a member bank or banks of the Federal Reserve System or any "insured" bank within the meaning of the Act creating the Federal Deposit Insurance Corporation (Act of August 23, 1935; 49 Stat. 684, as amended; 12 U.S.C. 264) separate from the Contractor's general or other funds. Such special bank account or accounts shall be so designated as to indicate clearly to the bank their special character and purpose, and the balance in such account or accounts shall be used by the Contractor exclusively as a revolving fund for carrying out the purposes of this contract and any amendments thereto, and not for other business of the Contractor. Any balances from time to time in such special account or accounts shall at all times secure the repayment of the advances in connection with which the special account or accounts are opened, and the Government shall have a lien upon such balances to secure the repayment of such advances, which lien shall be superior to any lien of the bank or any other person upon such account or accounts by virtue of assignment to it of such contract or otherwise: *Provided,* That the bank shall be under no liability to any party hereto for the withdrawal of any funds from said special account upon checks properly endorsed and signed by the Contractor, except that after the receipt by the bank of written directions from the _____ or his duly
(Chief of supply service)
authorized representative, the bank shall act thereon and be under no liability to any party hereto for any action taken in accordance with the said written directions. Any instructions or written directions received by the bank through the Contracting Officer upon War Department stationery and purporting to be signed by, or by the direction of, the _____ or his duly au-
(Chief of supply service)
thorized representative, shall, insofar as the rights, duties, and liabilities of the bank are concerned, be conclusively deemed to have been properly issued and filed with the bank by the _____ or his duly au-
(Chief of supply service)
thorized representative.

(d) It is agreed that the aggregate of the advance payments outstanding under this contract, together with funds received as reimbursement for the cost of the work by the Contractor under Article _____ of this contract, shall at no time exceed the total estimated cost of the work under this contract as it may be revised from time to time, and any such excess shall be immediately repaid by the Contractor to the Government or if any reimbursement is due from the Government to the Contractor shall be deducted therefrom: *Provided, however,* That if the total cost of the work under this contract shall be in excess of the amount so paid to the Contractor, including said advance payments the Government upon representation of satisfactory evidence shall currently and promptly reimburse the Contractor to the extent of such excess cost (subject to any delay in the availability of appropriated funds).

(e) If, upon completion of this contract, or upon the termination thereof for other than the fault of the Contractor, the advance payments made to the Contractor in respect of this contract have not been fully liquidated in the manner herein provided, the unliquidated balance of such advance payments shall be deducted from any payments otherwise due the Contractor in respect of this contract; and if the sum or sums due the Contractor be insufficient to cover such balance, the deficiency shall be paid by the Contractor in cash forthwith after demand and final audit by the Government of all accounts hereunder in respect of this contract: *Provided, however,* That in the event of such termination of the contract for other than the fault of the Contractor, such deduction shall not be made prior to final audit unless, and only to the extent that the Contracting Officer or his duly authorized representative shall determine that such action is reasonably required in order to secure the eventual repayment in full to the Government of such unliquidated advance payments. In the event of cancellation or termination of this contract because of the fault of the Contractor, the Contractor, notwithstanding any ultimate rights to be reimbursed, agrees to return to the Government, upon demand, without setoff of any sums alleged to be due the Contractor, the unliquidated balance of any advance payment. Furthermore, if, in the opinion of the _____ or his
(Chief of supply service)
duly authorized representative, the unobligated balance of the advance payments made by the Government under paragraph (a) hereof exceeds the amount necessary for the current needs of the Contractor, as determined by the _____ or his duly
(Chief of supply service)
authorized representative, the amount of such excess shall, upon demand by the _____ or his duly authorized
(Chief of supply service)
representative, be promptly returned to the Government and will be credited against the balance due the Government on advances previously made. If the demand made in any event set forth in this paragraph is not met upon receipt of such demand by the Contractor, the amount demanded will bear interest at the rate of six percent (6%) rather than two and one-half percent (2½%) per annum from the date of the receipt of the demand until payment is made: *Provided, however,* That such additional interest over and above the regular two and one-half percent is hereby waived as to any sums paid by the Contractor within 15 days after the amount becomes due hereunder. If and when the Contractor has, by means of deductions or otherwise, reimbursed the Government in full for payments made, any money remaining in the special bank account or accounts shall be free and clear of any lien hereunder, and the bank or banks concerned shall have authority to pay same to the Contractor and shall thereupon be relieved of any further obligation to the Government on account thereof.

(f) On the unliquidated balance of the advance payments outstanding, the Contractor agrees to pay interest at the rate of two and one-half percent (2½%) per annum. Such interest shall be computed at the end of each calendar month on the average daily balance of the principal of the unliquidated advance payments outstanding. In determining such balance, charges on account of the advance payments to the Contractor hereunder shall be made as of the dates of the checks therefor; credits resulting from disbursements made by the Contractor which are applied against advance payments shall be made upon the approval of the vouchers therefor by the disbursing officer, as of the dates respectively upon which the Contractor presents to the Contracting Officer or his duly authorized representative full and accurate data for the preparation of each such voucher which date shall, as to each such voucher, be certified by the Contracting Officer or his duly authorized representative on the face thereof; and credits arising from cash repayments to the Government by the Contractor shall be made as of the dates the checks therefor are received by the disbursing officer. As soon as such monthly computations shall have been made, the interest charge so determined shall be deducted from any payments on account of the fixed fee

which may be made to the Contractor from time to time under this contract. In the event the accrued interest exceeds any such payment, the excess of such interest shall be carried forward and deducted from subsequent payments on account of the fixed fee. The interest shall not be compounded, and shall, subject to the provisions of paragraph (e) hereof, cease to accrue upon the termination of the contract for other than the fault of the Contractor, or upon the date found by the Contracting Officer to be the date upon which the Contractor completed his performance under the contract.

(g) The Contractor shall, at all times, afford to the Contracting Officer, or his duly authorized representative, proper facilities for the inspection and audit of the Contractor's accounts, and the Contractor hereby agrees that the Contracting Officer, or his duly authorized representative, shall have the right so far as the Contractor's rights are concerned, during business hours to inspect and make copies of any entries in the books and records of the bank or banks relating to the said special account or accounts.

(h) Subject to the approval of the Contracting Officer or his duly authorized representative the Contractor may make payments to subcontractors and materialmen in advance out of the special account, for labor or services, or to pay for materials in advance of delivery at the site of the work or at an approved storage site. Such subadvances shall not exceed _____ percent (_____%) of the subcontract price of estimated cost, as the case may be, and the subcontractor or materialmen to whom such advances are made shall furnish adequate security therefor. Unless other security is furnished, covenants in subcontracts, expressly made for the benefit of the Government, providing for a subspecial account with Government lien thereon and for a Government lien on or title to property, tangible or intangible, purchased from the special account, and imposing upon the subcontractor substantially the same duties and giving the Government substantially the same rights as are provided herein between the Government and the Contractor, have been prescribed by the Under Secretary of War as minimum adequate security for such subadvances.

(i) Any assignment of moneys due or to become due under this contract shall be subordinate to the rights or claims of the Government arising under this contract or any amendment thereto by virtue of any advance payments authorized herein or otherwise: *Provided* That, if at any time any claim arising under this contract is assigned or purportedly assigned in any manner inconsistent with the said rights of the Government, the _____ or his
(Chief of supply service)
duly authorized representative shall have the right to suspend further advance payments without notice.

§ 81.348b Advance payments; cost-plus-fixed-fee contracts; without interest. A clause substantially as follows will be included in cost-plus-a-fixed-fee contracts when it is contemplated that advance payments without interest will be made thereon:

Advance payments. (a) At any time and from time to time after the execution of this contract, the Government at the request of the Contractor and subject to the approval of the _____ or his
(Chief of supply service)
duly authorized representative, or the person to whom authority to make advance payments has been delegated, as to the present need therefor shall advance to the Contractor, without payment of interest thereon by the Contractor, sums not to exceed _____ per cent (_____%) of the estimated cost of this contract (exclusive of the Contractor's fixed fee), as it may be amended from time to time.

(b) As a condition precedent to the making of any advance payment or payments as hereinbefore provided, the Contractor shall furnish the Government with such adequate security as the Under Secretary of War or the person to whom authority has been delegated to make advance payments shall prescribe, *Provided*, That, if other security is not prescribed, the terms of this contract shall be considered adequate security for such advance payments: *And provided further*, That if at any time the Under Secretary of War deems the security furnished by the Contractor inadequate, the Contractor shall furnish such additional security, in the form of a surety bond or surety bonds, as shall be satisfactory to the Under Secretary of War.

(c) Until all advance payments hereunder are liquidated, all funds received as advance payments under this contract together with all funds received as reimbursements for the cost of the work under Article _____ of this contract, exclusive of the Contractor's fixed fee, shall be deposited in a special bank account or accounts at a member bank or banks of the Federal Reserve System or any "insured" bank within the meaning of the Act creating the Federal Deposit Insurance Corporation (Act of August 23, 1935; 49 Stat. 684) as amended (12 U.S.C. 264) separate from the Contractor's general or other funds. Such special bank account or accounts shall be so designated as to indicate clearly to the bank their special character and purpose, and the balance in such account or accounts shall be used by the Contractor exclusively as a revolving fund for carrying out the purposes of this contract and any amendments thereto and not for other business of the Contractor. Any balances from time to time in such special account or accounts shall at all times secure the repayment of the advances in connection with which the special account or accounts are opened, and the Government shall have a lien upon such balances to secure the repayment of such advances, which lien shall be superior to any lien of the bank or any other person upon such account or accounts by virtue of assignment to it of this contract or otherwise: *Provided*, That the bank shall be under no liability to any party hereto for the withdrawal of any funds from said special account upon checks, properly endorsed and signed by the Contractor, except that after the receipt by the bank of written directions from the _____ or his duly
(Chief of supply service)
authorized representative, the bank shall act thereon and be under no liability to any party hereto for any action taken in accordance with the said written directions. Any instructions or written directions received by the bank through the Contracting Officer upon War Department stationery and purporting to be signed by, or by the direction of, the _____ or his duly au-
(Chief of supply service)
thorized representative, shall, in so far as the rights, duties, and liabilities of the bank are concerned, be conclusively deemed to have been properly issued and filed with the bank by the _____ or his duly
(Chief of supply service)
authorized representative.

(d) It is agreed that the aggregate of the advance payments outstanding under this contract together with funds received as reimbursement for the cost of the work by the Contractor under Article _____ of this contract shall, at no time, exceed the total estimated cost of the work under this contract as it may be revised from time to time and any such excess shall be immediately repaid by the Contractor to the Government or if any reimbursement is due from the Government to the Contractor, shall be deducted therefrom: *Provided, however*, That if the total cost of the work under this contract shall be in excess of the amount so paid to the Contractor, including said advance payments, the Government upon presentation of satisfactory evidence shall currently and promptly reimburse the Contractor to the extent of such excess cost (subject to any delay in the availability of appropriated funds).

(e) If, upon completion of this contract, or upon the termination thereof for other than the fault of the Contractor, the advance payments made to the Contractor in respect of this contract have not been fully liquidated in the manner herein provided, the unliquidated balance of such advance payments shall be deducted from any payments otherwise due the Contractor in respect of this contract; and if the sum or sums due the Contractor be insufficient to cover such balance, the deficiency shall be paid by the Contractor in cash forthwith after demand and final audit by the Government of all accounts hereunder in respect of this contract; *Provided, however*, That in the event of such termination of the contract for other than the fault of the Contractor, such deduction shall not be made prior to final audit unless, and only to the extent that, the Contracting Officer or his duly authorized representative shall determine that such action is reasonably required in order to secure the eventual repayment in full to the Government of such unliquidated advance payments. In the event of cancellation or termination of this contract because of the fault of the Contractor, the Contractor, notwithstanding any ultimate rights to be reimbursed, agrees to return to the Government, upon demand, without set-off of any sums alleged to be due the Contractor, the unliquidated balance of any advance payment. Furthermore, if, in the opinion of _____ or his duly author-
(Chief of supply service)
ized representative, the unobligated balance of the advance payments made by the Government under paragraph (a) hereof exceeds the amount necessary for the current needs of the Contractor, as determined by the _____ or his
(Chief of supply service)
duly authorized representative, the amount of such excess shall, upon demand by the _____ or his
(Chief of supply service)
duly authorized representative, be promptly returned to the Government and will be credited against the balance due the Government on advances previously made. If the demand made in any event set forth in this paragraph is not met upon receipt of such demand by the Contractor, the amount demanded will bear interest at the rate of six percent (6%) per annum from the date of the receipt of the demand until payment is made; *Provided, however*, That such payment of interest is hereby waived as to any sum paid by the Contractor within 15 days after the amount becomes due hereunder. If and when the Contractor has, by means of deductions or otherwise, reimbursed the Government in full for payments made, any money remaining in the special bank account or accounts shall be free and clear of any lien hereunder and the bank or banks concerned shall have authority to pay same to the Contractor and shall thereupon be relieved of any further obligation to the Government on account thereof.

(f) The Contractor shall, at all times, afford to the Contracting Officer, or his duly authorized representative, proper facilities for

the inspection and audit of the Contractor's accounts, and the Contractor hereby agrees that the Contracting Officer, or his duly authorized representative shall have the right so far as the Contractor's rights are concerned, during business hours, to inspect and make copies of any entries in the books and records of the bank or banks relating to the said special account or accounts.

(g) Subject to the approval of the Contracting Officer or his duly authorized representative the Contractor may make payments to subcontractors and materialmen in advance out of the special account, for labor or services, or to pay for materials in advance of delivery at the site of the work or at an approved storage site. Such subadvances shall not exceed _____ per cent (_____ %) of the subcontract price or estimated cost, as the case may be, and the subcontractor or materialmen to whom such advances are made shall furnish adequate security therefor. Unless other security is furnished, covenants in subcontracts, expressly made for the benefit of the Government, providing for a subspecial account with Government lien thereon and for a Government lien on or title to property, tangible or intangible, purchased from the special account, and imposing upon the subcontractor substantially the same duties and giving the Government substantially the same rights as are provided herein between the Government and the Contractor, have been prescribed by the Under Secretary of War as minimum adequate security for such subadvances.

(h) Any assignment of moneys due or to become due under this contract shall be subordinate to the rights or claims of the Government arising under this contract or any amendment thereto by virtue of any advance payments authorized herein or otherwise: *Provided*, That, if at any time any claim arising under this contract is assigned or purportedly assigned in any manner inconsistent with the said rights of the Government, the _____ or his duly
(Chief of supply service)
authorized representative shall have the right to suspend further advance payments without notice.

Foreign Purchases

Subparagraph (2) is added to § 81.503 (c) as follows:

§ 81.503 *Applicability of Act.*

* * * * *

(c) *Acts cognate to the Buy American Act.* * * *

(2) By determination of the Under Secretary of War dated February 3, 1943, the restrictions of the Act referred to in subparagraph (1) of this paragraph were suspended as to all articles, materials or supplies constituting, using or containing such articles of food or clothing as were theretofore exempted from the operation of the Buy American Act (for list of such articles of food or clothing, see paragraph (b) of this section).

Interdepartmental Purchases

§ 81.606 is amended to read as follows:

§ 81.606 *Purchases under contracts of Procurement Division, Treasury Department*—(a) *Basic law.* The Act of March 3, 1933 provided in part as follows:

* * * Accordingly, the President shall investigate the present organization of all executive and administrative agencies of the Government and shall determine what changes therein are necessary to accomplish the following purposes: * * * To group, coordinate, and consolidate executive and administrative agencies of the Government, as nearly as may be, according to major purposes; * * * To eliminate overlapping and duplication of effort; * * * (47 Stat. 1517; U.S.C. 5:124).

Pursuant to the above Act there was issued under date of June 10, 1933 Executive Order Number 6166 which provides in part as follows:

The function of determination of policies and methods of procurement * * * of property, facilities, structures, improvements, machinery, equipment, stores, and supplies exercised by any agency is transferred to a Procurement Division in the Treasury Department, at the head of which shall be a Director of Procurement. * * * In respect of any kind of procurement * * * for any agency the Procurement Division may, with the approval of the President, (a) undertake the performance of such procurement * * * itself, or (b) permit such agency to perform such procurement * * * or (c) entrust such performance to some other agency, or (d) avail itself in part of any of these recourses, according as it may deem desirable in the interest of economy and efficiency. When the Procurement Division has prescribed the manner of procurement * * * of any thing, no agency shall thereafter procure * * * such thing in any manner other than so prescribed. The execution of work now performed by the Corps of Engineers of the Army shall remain with said corps, subject to the responsibilities herein vested in the Procurement Division. * * *

Under date of April 12, 1935 there was issued by the Procurement Division, Treasury Department, with the approval of the President, a regulation which provides in part as follows:

* * * Those supplies of which the procurement * * * is to be controlled (by the Procurement Division) * * * will be listed and communicated to the executive departments as may be necessary, and thereafter no individual procurement * * * of these articles shall take place except in emergencies. * * *

(b) *Requirement.* Purchases will be made from contracts of the Procurement Division, Treasury Department (General Schedule of Supplies), when so directed by the chief of the supply service concerned or when required by the terms of the contracts unless the item can not be furnished under such contracts within the time that the item is required by the supply service concerned.

(c) *Emergency purchases.* In any case where pursuant to the provisions of paragraph (b) of this section purchase of an item listed in the General Schedule of Supplies, is not made under a General Schedule of Supplies contract because the item could not be furnished under such a contract within the time that the item was required, the voucher submitted to the General Accounting Office will contain, or be accompanied by, a statement showing clearly that the time element made such purchase necessary. It is to be emphasized that a mere conclusion is not sufficient, but a full and complete statement giving the specific reasons why the time element made such purchase necessary should be furnished.

(d) *Procedure.* Chiefs of supply services are responsible for advising contracting officers as to the terms and conditions of all such contracts and as to whether purchases therefrom are mandatory.

(e) *Ratification of purchases not made under contracts of the Procurement Division, Treasury Department.* When it appears to his satisfaction that an item listed in the General Schedule of Supplies was not purchased under a contract of the Procurement Division, Treasury Department because the contracting officer overlooked the necessity of purchasing under such a contract the chief of the supply service concerned may ratify such purchase. This will be done, however, only where it appears that the oversight represents an isolated instance and not a continued course of neglect. A statement should be presented to the chief of the supply service setting forth all of the facts including the contract price paid as compared to that payable under the Treasury Department contract and all facts which tend to excuse the failure to purchase under the Treasury Department contract.

(f) *Copy of purchase order to Procurement Division, Treasury Department.* A copy of each purchase order representing a purchase under a General Schedule of Supplies contract will be forwarded directly to the Procurement Division, Treasury Department, as soon as practicable after the date of issue.

(g) *"Schedule of stock items."* This publication of the Procurement Division of the Treasury Department lists the items which are carried in stock in the warehouse of that Division in Washington, D. C., primarily to supply the needs in that city. Field agencies of the War Department will not place orders on the Procurement Division for items which are stocked in the warehouse in Washington, D. C., for shipment outside the District of Columbia. This publication should not be distributed to War Department field agencies outside of Washington, D. C.

Section 81.608 is rescinded and the following substituted therefor:

§ 81.608 *Purchases from Federal Prison Industries, Inc., Department of Justice*—(a) *Basic law.* The Act of May 27, 1930 provides in part as follows:

The several Federal departments and independent establishments and all other Government institutions of the United States shall purchase at not to exceed current market prices, such products of the industries herein authorized to be carried on as meet their requirements and as may be available * * * (46 Stat. 392; 18 U.S.C. 744g; M. L., 1931, Sec. 1936).

Under date of December 11, 1934, there was issued Executive Order Number 6917 which provides in part as follows:

It is hereby ordered that a corporation of the District of Columbia be and is hereby created, said corporation to be named as Federal Prison Industries, Inc. * * * The principal office of said corporation shall be in the City of Washington, District of Columbia, * * * The heads of the several executive departments, independent establishments and Government owned and Government controlled corporations shall cooperate with the corporation in carrying out its duties and shall purchase, at not to exceed current market prices, the products or services of said industries, to the extent required or permitted by law.

(b) *Requirement.* It is required that all items manufactured by and all services rendered by, Federal Prison Industries, Inc. be purchased from that agency except where a general or special clearance for the purchase of the items from commercial source has been granted. The following clearance which covers purchases up to June 30, 1933, indicates not only the items as to which such clearance has been granted but also those items which are available and which accordingly must be purchased from Federal Prison Industries, Inc.:

December, 1942.
Reference: Our letter 12/4/42

THE UNDER SECRETARY OF WAR,
Washington, D. C.

DEAR SIR:

The following articles and services *are available and can be furnished* by Federal Prison Industries, Inc., from industries established under the Act of Congress approved May 27, 1930 (46 Stat., 391):

Brushes: Paint and varnish; floor sweeps; hand scrubs, all sizes.

Canvas goods: Shell covers, tarpaulins, water tanks, barracks bags, litters, bags, shower curtains, bandoleers.

Castings: Manhole frames and covers, grates, grate bars, gutter drains, for delivery in the following states only: Wisconsin, Michigan, Illinois, Indiana, Ohio, Pennsylvania, New Jersey, Maryland, West Virginia, Virginia, Kentucky, and the District of Columbia.

Fibre furniture.

Laundry services required by posts and stations within 25 miles of the Federal Correctional Institution, Tallahassee, Fla.

Milk: 1,000 pounds per day for delivery to Fort Bliss, Texas only.

Sheet metal products: Storage shelving, transfer cases, food trays, tool boxes, tool cabinets, tool racks, fin assemblies, ammunition boxes, powder boxes, end stops for bomb storage, land mine casings or shells, practice bombs.

Other metal products: Metal beds and bunks, all types; bomb dunnage racks.

Wood furniture: Douglas, 4C, 3C, wide arm, and side chairs; desk trays for delivery west of the Rocky Mountains.

Work gloves and mittens as listed in Schedule of Products.

CLEARANCE

[C-20380]

1. Clearance is granted to purchase from other sources articles manufactured or services rendered by Federal Prison Industries, Inc., not listed above.

2. Clearance is granted to purchase from other sources articles manufactured or services rendered by Federal Prison Industries, Inc., including the items listed above, in the following cases:

(a) By contractors or contracting officers under cost-plus-a-fixed-fee construction or supply contracts;

(b) By contracting officers under fixed-price (lump sum) construction or supply contracts, wherein the Government is required to furnish certain Government materials;

(c) When immediate delivery or performance is required by the public exigency.

(d) When suitable second hand or used articles can be procured.

3. This clearance is to cover purchases made by the War Department only, and is effective for the period January 1, to June 30, 1943, inclusive.

4. Copy of this clearance should be attached to your contract or voucher when transmitted to the General Accounting Office, or reference made thereon to this clearance number.

Very truly yours,

FEDERAL PRISON INDUSTRIES, INC.,
By (Signed) A. H. CONNER,
Associate Commissioner.

NOTE: By letter dated January 14, 1943, Federal Prison Industries, Inc., granted clearance for the purchase from commercial sources of 3C chairs until further notice.

(c) *Procedure.* Chiefs of supply services are responsible for advising contracting officers as to the detailed procedure for placing orders with Federal Prison Industries, Inc. In general, purchase orders should be forwarded in duplicate to Federal Prison Industries, Inc., Department of Justice, Washington, D. C. Requests for clearances should also be directed to the above agency which, in an emergency, will grant telegraphic clearance.

Section 81.608a is amended as follows:

§ 81.608a *Purchases from State Prisons and other correctional institutions.* Purchases of items manufactured or produced by State prisons may be made directly from such institutions (Op. Att. Gen. 37739, May 6, 1942, and Let. Pres. May 10, 1942. See also Exec. Order 9196 dated July 9, 1942, and § 81.902 et seq. of these regulations). Likewise, purchases of services rendered by State prisons may be made directly from such institutions. No purchase, however, from a State prison or other correctional institution will be made of a mandatory item appearing in the schedules of the Federal Prisons Industries, Inc. (See § 81.608) without a prior clearance (general or special) from that agency. For purchases by Government contractors, and subcontractors from Federal, State and territorial prisons or prison industries, see § 81.345.

Section 81.609 (b) is amended by adding an item in its proper numerical sequence as follows:

§ 81.609 *Purchases under contracts of Post Office Department.* * * *

(b) *Envelopes authorized for supply to the military service.*

Item No.:	*Description*
* * * * *	
192. ----	4⅛ x 9½ inches, White, open side.
* * * * *	

In § 81.610 paragraph (b) is amended and paragraphs (c) and (d) are added as follows:

§ 81.610 *Purchases from Government Printing Office.* (a) All blank envelopes, blank paper, inks, glues and other supplies manufactured or carried in stock by the Government Printing Office, and which are required for use within the District of Columbia, will be purchased from that office.

(b) All printing, binding and blank book work of either of the following types shall be done in the Government Printing Office in the District of Columbia unless a clearance is obtained from the Public Printer to have the work done elsewhere:

(1) Work intended for the use of components of the War Department located in the District of Columbia.

(2) Work intended for the general use of the War Department and not for the exclusive use of any one component of the War Department.

(c) All printing, binding and blank book work which is intended for the exclusive use of any one component of the War Department located outside of the District of Columbia and which it is impracticable to have done at the Government Printing Office in the District of Columbia, may be done elsewhere without the necessity of obtaining a clearance from the Public Printer. Such work shall be done either:

(1) At field printing plants authorized by the Joint Committee on Printing, or

(2) By commercial firms authorized by the Joint Committee on Printing.

A list of authorized field printing plants and commercial firms is contained in the Regulations of the Joint Committee on Printing Relative to Periodicals and Field Printing. For the certificate which is required to be placed on vouchers involving payments for all printing, binding and blank book work, procured elsewhere than at the Government Printing Office, Washington, D. C., see AR 35-1040[1] and §§ 35.1 to 35.4, inclusive. For all reports required to be filed of all printing, binding and blank book work so procured, see AR 30-2120.[2]

(d) The chiefs of the supply services are authorized to communicate directly with the Government Printing Office through their properly appointed representatives. The Government Printing Office has designated the following persons as War Department Contact Representatives:

Mr. L. Trumbull, Contact Clerk.
Mr. Henry Matheny, Estimator.
GPO Ext. 270 or 342

Federal, State and Local Taxes—Federal Taxes

Section 81.804 is amended as follows:

§ 81.804 *Tax exempt sales.* Under the regulations of the Commissioner of Internal Revenue (T. D. 5114, approved January 27, 1942) the following sales are exempt from the taxes imposed by Chapter 29 of the Internal Revenue Code: (a) sales of articles to the United States; (b) sales of articles to Government contractors or subcontractors when such articles are incorporated in an article sold to the United States; (c) sales of articles which are incorporated in the building or work constructed, altered, improved or repaired pursuant to a Government contract. Such sales are tax exempt only where the price paid by the Government does not include the tax. (See also § 81.814 as to certain articles consumed in manufacture or construction where the Government receives the

[1] Administrative regulations of the War Department relative to vouchers pertaining to money accounts.

[2] Administrative regulations of the War Department pertaining to field printing.

benefit of the exemption from tax on such articles). With respect to prime contracts or purchases made after March 1, 1943, and subcontracts or purchases made by contractors or subcontractors on or after that date, see policies outlined in § 81.809a.

Section 81.805 is amended as follows:

§ 81.805 *Cost-plus-a-fixed-fee contracts.* (a) Under rulings of the Commissioner of Internal Revenue, articles sold to contractors engaged on a cost-plus-a-fixed-fee basis are exempt from the application of the Federal excise taxes since such articles are furnished for the exclusive use of the United States. As a condition to such exemption title to the article purchased by the fixed-fee contractor must ultimately vest in the United States. With respect to purchases by cost-plus-a-fixed-fee subcontractors of articles to be consumed in the performance of the subcontract (see § 81.814), tax exemption can be obtained under present rulings of the Commissioner only by the issuance of a form 1094 by an authorized Government officer (see § 81.812 (b)). With respect to prime contracts or purchases made after March 1, 1943, and subcontracts or purchases made by contractors or subcontractors on or after that date, see policy outlined in § 81.809a.

(b) * * *

In § 81.809a paragraphs (a), (b) (1), and (e) are amended as follows:

§ 81.809a *Policies with respect to contracts or purchases made on or after March 1, 1943*—(a) *Army-Navy joint tax exemption policies with respect to Federal excise taxes.* The Under Secretary of War, jointly with the Under Secretary of the Navy, has issued the memorandum dated January 4, 1943, quoted below.

* * *

(b) *Changes effected by the new policies.* The principal changes effected by the new policy are:

(1) Under the new policies fixed price (lump-sum) prime contracts made on or after March 1, 1943 for the acquisition by the War Department of articles subject to Federal excise taxes ("purchase articles") shall in general be made on a price basis which excludes such Federal excise taxes. The Chief of any Supply Service may authorize any contract or class of prime contracts to be made on a price basis which includes such Federal excise taxes.

* * * * *

(e) *Changes.* The chief of each supply service will make necessary changes in existing bid forms, specifications, and instructions relating to bids and evaluation of contracts to carry out the policies set forth in the memorandum quoted in paragraph (a) of this section. Great care should be exercised in drawing contracts and purchase orders to make certain that their provisions reflect accurately the intention of the parties with respect to taxes and that they are consistent with the policies above mentioned.

* * * * *

Tax Exemption Certificates

In § 81.813 paragraph (a) is amended, paragraph (d) is redesignated paragraph (e), and a new paragraph (d) is added as follows:

§ 81.813 *Use of tax exemption certificates.* (a) (1) Under regulations prescribed by the Commissioner of Internal Revenue, articles are exempt from the taxes imposed by Chapter 29 of the Internal Revenue Code when such articles are sold on a tax-free basis for the exclusive use of the United States. The tax is imposed upon the manufacturer, producer, or importer. Where the article is sold on a tax-free basis for the exclusive use of the United States by a person other than the manufacturer, producer, or importer, a credit for or a refund of the tax may be obtained.

(2) In accordance with Treasury Decision 5114 dated January 27, 1942, articles are exempt from taxes imposed by Chapters 25 or 29, where such articles are used or incorporated by the purchaser as material in the manufacture or production of, or as a component part of, an article which is to be furnished to the United States Government: *Provided,* That (i) the price of the article does not include a tax on the sale or transfer thereof under Chapter 25 or 29 of the Internal Revenue Code, (ii) the article is included at such tax-free basis in the price of the article in which it is incorporated and (iii) satisfactory evidence of the exemption is furnished by tax exemption certificate (see paragraph (c) of this section). Under regulations of the Commissioner of Internal Revenue, tax exemption certificates are used for the purpose of establishing rights to exemptions (T.D. 5114, January 27, 1942; I. R. Code, sec. 3442) and may be the basis of establishing claims for credits and refunds (I. R. Code, secs. 3442, 3443; Reg. 44, § 314.64 as amended). With respect to prime contracts or purchases made after March 1, 1943, and purchases made by subcontractors on or after that date, see policies outlined in § 81.809a.

* * * * *

(d) Special considerations affecting tax exemption of lubricating oil and gasoline. (1) Lubricating oil or gasoline, when incorporated in a purchase article (as defined in Treasury Decision 5114; see § 81.804a) so as to become a part thereof, constitutes a subsidiary article within the meaning of Treasury Decision 5114, and tax exemption of such oil and gasoline can be obtained pursuant to that Treasury Decision. Thus lubricating oil incorporated as the fluid in hydraulic apparatus constitutes a subsidiary article, where the hydraulic apparatus is purchased as such by the United States under a prime contract or where the hydraulic apparatus is a component part of some other article purchased as such by the United States under a prime contract. However, except as stated in subparagraph (2) below, the term "subsidiary article" does not include lubricating oil consumed in the operation of machinery in manufacturing such hydraulic apparatus.

(2) Lubricating oil or gasoline is also a subsidiary article when sold to a prime contractor for use as equipment, material or supplies in the performance of his prime contract, if payment for the lubricating oil or gasoline is made by the United States, and in other cases where it can be shown that the United States clearly receives the benefit of exemption from the tax. Thus, where the price contract involves the construction of a plant, or the operation and maintenance of a plant, either on the basis of cost-plus-a-fixed-fee or some other basis under which the tax on the gasoline or lubricating oil is not to be included in the cost chargeable to the United States, the gasoline or lubricating oil sold to the prime contractor for use in the performance of such prime contract constitutes a subsidiary article within the meaning of Treasury Decision 5114 and tax exemption of such oil and gasoline can be obtained pursuant to that decision. In such case, the gasoline or lubricating oil is deemed to be incorporated in the subject matter of the prime contract, namely, the plant construction or the plant operation.

(3) Gasoline, lubricating oil and other similar consumable supplies, used under cost-plus-a-fixed-fee contracts have been and are now exempt. However, such consumable supplies, when constituting subsidiary articles, as in subparagraph (2) above, are only exempt under Treasury Decision 5114 if purchased by a prime contractor. If such consumable supplies are purchased by a cost-plus-a-fixed-fee subcontractor or subsidiary subcontractor, Standard Form No. 1094 must be used in order to secure the exemption from federal excise tax.

(4) With respect to prime contracts or purchases made after March 1, 1943, and subcontracts or purchases made by contractors or subcontractors on or after that date, see policies outlined in § 81.809a.

(e) Tax exemption certificates are also used for establishing exemptions from state and local taxes. In such cases certificates should be prepared in accordance with the requirements of the particular state or local tax officials concerned. Except as provided in § 81.815 (a) no tax exemption certificate should be issued with respect to a state or local tax unless the contract shows that the price paid by the Government is exclusive of the tax to which the certificate pertains or unless the contractor consents to the deduction of such tax from the contract price and the acceptance of the tax exemption certificate in lieu thereof.

Items Subject to Federal Excise Taxes

Section 81.817 is amended as follows:

§ 81.817 *Federal retailers' excise taxes.* The items on which Federal Retailers' Excise Taxes are imposed are listed below. The tax is in the amount of 10 per centum of the price for which sold, and the taxes are effective as of October 1, 1941.

CHAPTER 19—RETAILERS' EXCISE TAXES

SEC. 2400 JEWELRY, ETC. * * *

(3) Under an agreement between the War Department and the Bureau of Internal Revenue it has been agreed that the latter will not attempt to collect taxes under Chapter 19 of the Internal Revenue Code on sales of jewelry, furs, and toilet preparations to members of the armed forces and their families and to civilian employees permanently employed on military posts, when such sales are made in army commissaries. The War Department in turn agreed that sales of such articles in army commissaries would not be made to casual laborers or temporary employees on military posts.

* * * * *

Section 81.817a is added as follows:

§ 81.817a *Bituminous coal tax.* An excise tax of one cent per ton upon the sale of bituminous coal is imposed by Section 3520 of the Internal Revenue Code. The tax does not apply to the sale of coal for the exclusive use of the United States or any subdivision thereof or for use in the performance of Governmental functions. The Treasury Department has prescribed a special form of exemption certificate to be issued to the party from whom such coal is purchased in order to support claim for tax exemption, or for tax refund if the tax has already been paid. The exemption certificate should be substantially in the following form:

---------- 194__

The undersigned hereby certifies that he is a _____, _____,
Grade Branch of Service or Supply Service

United States Army, assigned to War Department Contract No. W-_____, and that he is authorized to execute this certificate and that the bituminous coal specified in the accompanying order or contract, or on the reverse side hereof, is purchased from _____ for the exclusive use of
Name of Vendor

the War Department _____
Branch of Service or

_____ of the United States Govern-
Supply Service

ment, for use in the performance of essential Governmental functions.

It is understood that the exemption from tax in the case of sales of bituminous coal to the United States, is limited to such coal purchased for its exclusive use for use in the performance of essential Governmental functions, and it is agreed that if coal purchased tax-free under this Exemption Certificate is used otherwise or is sold to employees or others, the vendee will report such fact to the vendor. It is also understood that the fraudulent use of this certificate to secure exemption will subject the undersigned and all guilty parties to a fine of not more than $10,000 or to imprisonment for not more than five years, or both, together with cost of prosecution.

_____
Title of Officer

The Treasury Department (March 24, 1941) ruled that the excise tax does not apply to sales made to contractors in connection with work performed under cost-plus-a-fixed-fee contracts with the Government. All exemption certificates above mentioned will be executed only by officers designated to execute tax exemption certificates on standard form No. 1094 (see § 81.812 (b)).

Adjustments of Contracts Because of Changed Federal Excises

Section 81.820 is added as follows:

§ 81.820 *Freight tax (tax on transportation of property) imposed by the Revenue Act of 1942.* No increase will be made in the price payable under a contract executed prior to December 1, 1942 and containing a tax article substantially in the form set out in § 81.357, by reason of the imposition of a freight tax (tax on transportation of property imposed under section 3475 of the Internal Revenue Code; Revenue Act of 1942, sec. 620) on freight charges which the contractor is bound to pay in accordance with the contract. (See Op. Comp. Gen. B-30754, dated January 2, 1943).

Federal Transportation Taxes

Sections 81.821 and 81.822 are added as follows:

§ 81.821 *Transportation of property*—(a) *Freight tax of 1942.* Section 3475 of the Internal Revenue Code (inserted by section 620 of the Revenue Act of 1942) imposes a tax of 3% upon the amount paid within the United States on and after December 2, 1942 for transportation of property on or after December 1, 1942, by rail, motor vehicle, water, or air from one point in the United States to another. In the case of coal, the rate of tax four cents per short ton. The tax applies only to amounts paid to persons engaged in the business of transporting property for hire, including freight forwarders and express companies, but not including amounts paid to forwarders and express companies for transportation for which a tax has previously been paid under the section. The tax does not apply to amounts paid by the United States or any of its agencies or instrumentalities for transportation of property. The tax is imposed upon the person making the payment subject to the tax. [See Treasury Regulations 113, 1943 ed., 8 Fed. Reg. 1433]

(b) *Exemptions from the tax.* The following payments are exempt:

(1) Amounts paid for transportation on a government bill of lading, or a commercial bill of lading, later converted to a government bill of lading.

(2) Amounts paid directly by the United States for transportation.

(3) Amounts paid for transportation shown to be intended for export.

No exemption certificates are necessary where the payment is by Government check or the shipment is made by Government bill of lading or converted bill of lading.

(c) *Cost-plus-a-fixed-fee contracts.* The Commissioner of Internal Revenue has ruled informally that the tax will apply to amounts paid by cost-plus-a-fixed-fee contractors for transportation of property even though the Government is bound to reimburse the contractor. Shipments to a cost-plus-a-fixed-fee contractor on government bill of lading, are however exempt (see paragraph (b) of this section). Contracting officers in administering cost-plus-a-fixed-fee contracts needs not for the sole purpose of avoiding the payment of the Transportation tax arrange to pay transportation charges directly. Cost-plus-a-fixed-fee contractors paying this transportation tax on transportation charges incurred in the performance of their contract will be reimbursed for the amount of the tax so paid. However, cost-plus-a-fixed-fee contractors will not be authorized to reimburse their suppliers for the payment of this transportation tax under existing contracts or purchase orders, unless such existing subcontracts or purchase orders, as presently written, expressly authorize an adjustment of the price of the item in the event a tax is imposed on transportation.

§ 81.822 *Transportation of persons.* Section 3469 of the Internal Revenue Code, inserted by the Revenue Act of 1941 sec. 554 (b) as amended by section 609 of Revenue Act of 1942, imposes an excise tax of 10% upon the transportation of persons. The tax does not apply to the payment of transportation furnished to the United States. This exemption includes amounts paid for transportation of personnel of the War Department when traveling on official business. It applies also when such amounts are paid by such personnel traveling on a mileage or other allowance basis, where reimbursement is made to such personnel by the Government (See I. R. Regs. 42, § 130.61). Exemption from this tax is secured by executing Form 731 Revised October, 1941. Members of the military or naval forces traveling in uniform of the United States on official leave, furlough or pass and paying special fares at a rate of not more than 1¼ cents a mile, are exempt from payment of tax. The Bureau of Internal Revenue has ruled that transportation furnished to employees of cost-plus-a-fixed-fee contractors traveling exclusively upon Government business is not subject to this tax when the cost of the travel is reimbursable under the contract.

Labor—Convict Labor Law

Section 81.903 (a) is amended as follows:

§ 81.903 *Application of basic statutes.* (a) The prohibitions contained in the foregoing provisions of this section do not apply to the following purchases:

(1) Purchases of items manufactured, or services rendered, by Federal Prison Industries, Inc. (see § 81.608).

(2) Purchases of items manufactured or produced, or of services rendered, by State Prisons or other correctional State institutions (see § 81.608a).

* * * * *

Walsh-Healey Public Contracts Law

In § 81.917 (b) a new subparagraph (8) is added and subparagraphs (8) to (14), inclusive, are renumbered (9) to (15), inclusive, as follows:

§ 81.917 *Applicability of Walsh-Healey public contracts law.* * * *

(b) * * *

(8) Contracts awarded during the present war for the production of train-

ing films are excepted from the representations and stipulations required by section 1 of the Act.

(9) Article 1 (Insertion of Stipulations) of the * * *

(10) Stipulation (c) of Article 1 of the * * *

(11) Article 103 (Overtime) of the * * *

(12) Article 501 (Records of Employment) of the * * *

(13) Articles 601, 602, 1101, and 1201 of the * * *

(14) The following Article has been * * *

(15) By order dated September 2, 1942 * * *

Wage and Salary Stabilization

The Joint Statement of December 26, 1942, of the National War Labor Board and the Commissioner of Internal Revenue: Procedure for Wage and Salary Adjustments by State, County, and Municipal Governments and Agencies Thereof quoted in § 81.976m (8 FR 2540) is removed from that section and the following substituted therefor:

§ 81.976m *Statutory salaries and wages.* * * *

On December 26, 1942, the National War Labor Board and Commissioner of Internal Revenue issued a joint statement which effected changes of the procedure provided for in the joint statement of the Board and Commissioner of November 12, 1942, quoted above. The joint statement of December 26, 1942, took the form of General Order No. 12–A, the text of which may be found in § 81.980*l*.

Section 81.977*ll* as published in the FEDERAL REGISTER March 2, 1943 (8 F.R. 2541) is redesignated § 81.977aaa and a new § 81.977*ll* is added as follows:

§ 81.977*ll* *Functions and jurisdictions of the Salary Stabilization Unit and its regional offices.* On January 19, 1943, the Commissioner of Internal Revenue issued seventeen procedural regulations relating to the functions and jurisdictions of the Salary Stabilization Unit and its Regional Offices. These regulations are set forth in the succeeding paragraphs which are designated paragraphs (a) to (q), inclusive.

(a) *Duties of Deputy Commissioner.*

1. *Duties of Deputy Commissioner.* The Deputy Commissioner, Salary Stabilization Unit, will exclusively represent the Commissioner in administering those provisions of the Executive Order of October 3, 1942 (No. 9250) and the Director's and Commissioner's regulations issued thereunder which relate to the stabilization and limitation of salaries in excess of $5,000 per annum, and of salaries not in excess of $5,000 per annum paid to executive, administrative, and professional employees not represented by a recognized labor organization.

(b) *Regional offices.* See § 81.977c (a) for a list of the regional offices of the Salary Stabilization Unit, their addresses and jurisdictions.

(c) *Regional officers and employees.*

3. *Regional officers and employees.* Each salary stabilization office will be under the immediate supervision of a head, who will perform his duties under the direction of the Deputy Commissioner, and will represent the Commissioner and Deputy Commissioner in administering, within the territory assigned to his office, the above-specified provisions of Executive Order 9250 and the regulations issued thereunder. Each salary stabilization office may also have an assistant head, a counsel, and such number of conferees, clerks, and other employees as the Deputy Commissioner may from time to time find necessary.

(d) *Applications for approval of salary adjustments.*

4. *Applications for approval of salary adjustments.* (a) Except as provided in subparagraphs (b) and (c) hereof, every application under §§ 1002.13, 1002.15, or 1002.16 of the Salary Stabilization Regulations,[1] for approval of an increase or decrease in a salary rate within the Commissioner's jurisdiction, shall be submitted by the employer on Form SSU 1 in triplicate, or in any alternative manner authorized by the instructions on that form, to the head of the regional office serving the area within which the employer's principal office or place of business is located, and shall be within that officer's jurisdiction; but jurisdiction of any such application may, by direction of the Deputy Commissioner, be transferred to any other regional office. If under exceptional circumstances he deems it necessary in the interest of efficient administration, the Deputy Commissioner may also assume original jurisdiction of any application.

(b) If the Commissioner has delegated to any other officer or agency his authority to approve or disapprove adjustments in the salaries of employees of any class or group, applications for approval of such adjustments shall be made to the officer or agency to whom such authority has been delegated, in the form and manner prescribed by such officer or agency.[2]

(c) No application or notice to the Commissioner will be required for adjustments in the salaries of employees of State or local governments, if made to correct maladjustments, inequalities, or gross inequities.

[CROSS REFERENCE: See § 81.976m]

(e) *Applications for approval of salary-rate schedules.*

5. *Applications for approval of salary-rate schedules.* Every application for approval of a proposed new salary-rate schedule or proposed general modification of an existing salary-rate schedule shall be submitted by the employer in triplicate to the head of the regional office within whose territorial jurisdiction the employee's principal office or place of business is located. Jurisdiction of any such application may be transferred to another regional office or assumed by the Deputy Commissioner as provided in paragraph 4 (a) hereof. After approval by the head of a regional office or by the Deputy Commissioner, a new or modified salary-rate schedule will have the same effect, in obviating the necessity for approval of individual salary-rate changes, as a salary-rate schedule in effect October 3, 1942.

(f) *Applications for rulings respecting exemptions.*

6. *Applications for rulings respecting exemptions.* Every application for a ruling as to whether a proposed salary adjustment is exempt from the requirements of the Director's and Commissioner's regulations relative to prior approval by the Commissioner shall be submitted by the employer on Form SSU 2 in triplicate to the head of the regional office serving the area within which the employer's principal office or place of business is located, and shall be within that officer's jurisdiction, subject to the provisions of paragraph 4 (a) hereof regarding transfers of jurisdiction and assumption of jurisdiction by the Deputy Commissioner.

(g) *Applications for authorization of salaries in excess of the $25,000 limit.*

7. *Applications for authorization of salaries in excess of the $25,000 limit.* Every application under §§ 1002.19 to 1002.22 of the Salary Stabilization Regulations,[1] for authorization of a salary in excess of the $25,000 limit, shall be submitted by the employee on Form SSU 3 in triplicate to the head of the regional office serving the area within which the place of employment is located, and shall be supported by a statement, signed by the applicant's employer, as to the salary which, except for the limitation prescribed by the general regulations of the Economic Stabilization Director (§ 1002.18 of the Salary Stabilization Regulations),[2] would be paid to the applicant. Such applications shall be subject to the provisions of paragraph 4 (a) hereof relative to transfers of jurisdiction and assumption of jurisdiction by the Deputy Commissioner.

(h) *Signature and verification of applications.*

8. *Signature and verification of applications.* Every application shall be signed by the applicant, or in the applicant's name by a duly authorized person; shall set forth fully the facts on which it is based, as required by the appropriate application form; and shall be sworn to before a deputy collector, notary public, or other officer authorized to administer oaths. If the applicant is a partnership, the application shall be executed in the partnership's name by one of the partners. If the applicant is a corporation, the application shall be executed in the name of the corporation by one of its principal officers. Statements of fact made in any application may be verified by the head of the regional office having jurisdiction, insofar as he deems it necessary and practicable under the circumstances. For that purpose he may refer an application for investigation to the appropriate internal revenue agent in charge, special agent in charge, or collector of internal revenue, and may require such further evidence in substantiation of the statements made in the application as he may deem necessary in order to reach a decision thereon.

(i) *Conferences.*

9. *Conferences.* The head of the regional office having jurisdiction of an application, or any of his legal or technical assistants, may grant a conference to the applicant or his representative. At any such conference the applicant may be represented by a responsible officer or supervisory employee without special authorization. Any other representative must submit a power of attorney authorizing him to represent the applicant.

(j) *Authority of heads of regional offices.*

10. *Authority of heads of regional offices.* The head of the regional office having jurisdiction of any application will have authority to approve or disapprove it for the Commissioner, wholly or in part, and his decision shall be deemed to be the Commissioner's determination under § 4001.4 of the general regulations of the Economic Stabilization Di-

[1] §§ 81.977p, 81.977r, and 81.977s.

[2] For delegation by the Commissioner to the Secretary of War as to certain salary adjustments see § 81.977aaa.

[1] §§ 81.977v to 81.977y, inclusive.

[2] § 81.977u.

rector[1] (§§ 1002.10 and 1002.11 of the Salary Stabilization Regulations)[2] unless and until modified or reversed as provided in paragraphs 13 to 15 hereof; but any such decision may be set aside by the Commissioner if he finds that it has been arrived at through fraud, collusion, or misrepresentation of a material fact.

(k) *Decisions and rulings.*

11. Decisions and rulings. (a) Every decision approving or disapproving, wholly or in part, an increase or decrease in a salary rate, a new or modified salary agreement or salary-rate schedule, or a salary allowance in excess of the $25,000 limit, will be set forth in a memorandum, to be known as a "decision memorandum," which will show the name and address of the applicant, the precise nature of the proposed action for which the Commissioner's approval is requested, and the decision with respect thereto. Every such memorandum will be signed by the head of the regional office, or by the Deputy Commissioner, in his own name, following the words "By direction of the Commissioner." The original will be transmitted promptly to the applicant, and copies of decisions made by the heads of regional offices will be forwarded promptly to the Deputy Commissioner. Every decision memorandum approving an application, wholly or in part, will be supported by a concise statement, on a separate sheet, of the reasons for approval. Every adverse decision memorandum will be accompanied by a copy of the regional office's letter to the applicant disapproving his application, which letter will include a concise statement of the reasons for disapproval. If an additional salary allowance to an employee is authorized under §§ 1002.19 to 1002.22 of the Salary Stabilization Regulations,[3] the head of the regional office will send the employer a notice stating the additional salary authorized to be paid by such employer. If the employee to whom such an allowance is granted receives salaries from two or more employers, such a notice will be sent to each employer. For this purpose an additional allowance granted to an employee receiving salary from more than one source will be allocated among his employers as requested by him. Copies of decision memorandums will also be furnished to such officers of the Internal Revenue Bureau and other Government agencies as the Commissioner may from time to time direct.

(b) Rulings with respect to exemptions will be prepared, signed, and dispatched by heads of regional offices, or by the Deputy Commissioner, in the same manner as decision memorandums.

(l) *Determinations respecting salaries paid.*

12. *Determinations respecting salaries paid.* (a) On request of any collector of internal revenue agent in charge, or special agent in charge whose office is located within the territorial jurisdiction of any salary stabilization office, the head thereof will determine whether any salary payment within the Commissioner's jurisdiction was made in contravention of the regulations of the Economic Stabilization Director and the Commissioner, and will set forth his finding in a decision memorandum as provided in paragraph 11 (a) hereof. If he finds that any such payment is not in contravention of the regulations, he will send his decision memorandum to the officer making the request (at the same time forwarding as many copies thereof to the Deputy Commissioner, Salary Stabilization Unit, as that officer may prescribe). If he finds that any such payment is in contravention of the regulations, he will submit his decision memorandum to the Deputy Commissioner for approval before transmitting it to the officer making the request. If, in the judgment of the head of the regional office, there is serious doubt as to whether any payment is or is not in contravention of the reglulations, he may request advice from the Deputy Commissioner before making a decision. Unless and until modified or reversed as provided in paragraphs 13 to 15 hereof, a determination by the head of a regional office of the Salary Stabilization Unit shall be deemed to be the Commissioner's determination under § 4001.4 of the Director's general regulations[1] (§§ 1002.10 and 1002.11 of the Salary Stabilization Regulations).[2]

(b) At the direction of the Commissioner, similar determinations will be made at the request of duly authorized officers of any other Government agency.

(m) *Reconsideration and review of decisions.*

13. *Reconsideration and review of decisions.* An applicant whose application is disapproved, wholly or in part, by the head of a regional office may submit to the Deputy Commissioner, through such regional head, a request for review thereof. Every such request shall set forth fully the grounds on which it is based, insofar as such grounds are not stated in the original application. The head of the regional office having jurisdiction will examine every such request, and if it states facts not previously submitted to him, he may reconsider the application, may verify such statements insofar as he deems it necessary and practicable, and may modify his prior decision if he finds that the facts warrant such action. If thereafter the applicant adheres to his request for review, the head of the regional office will forward it to the Deputy Commissioner with a concise statement of the reasons for disapproval or partial disapproval of the application.

(n) *Review of application.*

14. On receipt in the Deputy Commissioner's office, every such request for review will be examined to determine whether or not it makes a prima facie showing of error on the part of the head of the regional office. If in the Deputy Commissioner's judgment it does not do so, the request will be denied. If in the Deputy Commissioner's judgment it does so, a hearing by the Deputy Commissioner or his representative may be arranged for the earliest practicable date. At any such hearing the applicant may be represented as provided in paragraph 9 hereof.

(o) *Action by Deputy Commissioner.*

15. If the Deputy Commissioner does not approve a decision of the head of a regional office, he may refer it back to such head for reconsideration, or may modify or reverse it by means of a decision memorandum signed in his own name following the words "By direction of the Commissioner." He will also sign a similar decision memorandum with respect to every application of which he assumes original jurisdiction.

(p) *Effect of modification or reversal.*

16. *Effect of modification or reversal.* If a decision with respect to any application is modified on reconsideration by the head of a regional office, or is modified or reversed by the Deputy Commissioner, such modification or reversal shall, from its effective date, be deemed to be the determination of the Commissioner under § 4001.4 of the general regulations of the Economic Stabilization Director[3] (§§ 1002.10 and 1002.11 of the Salary Stabilization Regulations)[4] but no modification or reversal of a prior decision shall take effect before the first day of the pay roll period immediately following the date of such modification or reversal.

(q) *Purposes of regulations.*

17. *Purposes of regulations.* The purposes of the salary stabilization regulations of the Economic Stabilization Director and the Commissioner, as stated in Executive Order 9250, approved October 3, 1942, are to stabilize the cost of living in accordance with the Act of October 2, 1942, and to aid in the prosecution of the war. In order to carry out those purposes, salary rates prevailing on September 15, 1942, should not be increased or decreased unless necessary to correct maladjustments, inequalities or gross inequities, or to aid in the effective prosecution of the war. Heads of regional offices will keep those purposes constantly in mind in performing the duties imposed on them by this mimeograph.

Paragraph (a) is hereby added to § 81.977aaa previously published as § 81.977*ll* (8 F.R. 2541).

§ 81.977aaa *Delegation by Commissioner of Internal Revenue to Secretary of War.*

* * * * *

(a) *Government-owned, privately-operated facilities.* The Government-owned, privately operated facilities embraced within the delegation to the War Department Agency from the Commissioner of Internal Revenue are identical with those covered by the delegation from the National War Labor Board to the War Department Agency. For the names of such Government-owned, privately-operated facilities see § 81.980n (b).

Section 81.979 is amended as follows:

§ 81.979 *Procedure in cases of voluntary applications for wage adjustments by private employers; coverage of this statement.*

Procedure in cases of voluntary applications for wage adjustments by private employers; coverage of this statement. The term "wages," wherever used in this statement, shall be deemed to include salaries insofar as approval of the adjustment thereof has been made a function of the National War Labor Board.

I. THE SET-UP IN THE REGIONS

1. There are established 10 regional offices of the National War Labor Board, to be located in the 10 regional offices of the Office for Emergency Management, the list of which is appended hereto.

2. Each regional office of the Board will be headed by a full-time representative of the National War Labor Board, to be appointed by the Board, and to be known as "Regional Director for the National War Labor Board." Each office will be supplied with an appropriate staff.

3. Each Regional Director will have an advisory board composed of representatives of labor, employers, and the public, to be appointed by the National War Labor Board.

4. Attached to each regional office will be tripartite panels composed of representatives of labor, employers, and the public, to be appointed by the National War Labor Board. If the pressure of work in any region necessitates, tripartite panels may sit simultaneously, under the general administrative direction of the Regional Director. The primary responsibility of the Regional Director and the tripartite panels shall be to handle voluntary applications for wage adjustments with the utmost expedition consistent with the

[1] § 81.976d.
[2] §§ 81.977m and 81.977n.
[3] §§ 81.977n to 81.977y, inclusive.

[1] § 81.976d.
[2] §§ 81.977m and 81.977n.
[3] § 81.976d.
[4] §§ 81.977m and 81.977n.

proper carrying out of the Board's wage policies.

5. In the handling of all wage cases the Regional Directors, and the tripartite panels, are charged with the obligation of executing the Board's wage policies, and they shall have no policy-making powers.

6. Pursuant to the policy of interdepartmental cooperation laid down in Section 2 of Title III of Executive Order No. 9250, the facilities of the offices of the Wage and Hour Division of the Department of Labor as hereinafter more fully described, are available to the Board as information centers and as headquarters for the filling out of application forms, for the use of the National War Labor Board's Regional Directors, and panels, in voluntary wage adjustment cases. In such capacities the offices of the Wage and Hour Division will be acting as the Board's agents.

7. The general procedure in cases of voluntary wage adjustments by private employers will be as follows (subject to certain exceptions which will hereinafter be noted):

(a) The application form shall be filed in an office of the Wage and Hour Division, and shall be transmitted by said office to the Regional Director of the National War Labor Board for that region.

(b) The initial ruling on the application will then be made by said Regional Director.

(c) If any party to the application disagrees with said ruling, the application will be referred to, and passed on by a tripartite panel.

8. The detailed procedure in such cases, including the appellate and the reviewing functions of the National War Labor Board, are set forth below.

II. THE HANDLING OF PRELIMINARY INQUIRIES ABOUT JURISDICTION

1. An employer or a union (or an employee or a group of employees not represented by a union with respect thereto) directly concerned in a proposed wage adjustment, if uncertain whether under the applicable regulations and orders the proposed adjustment can be made without Board approval, may ask the nearest office of the Wage and Hour Division of the Department of Labor in the region for an informal ruling. Said office shall then issue a written ruling, as agent of the National War Labor Board, and send copies thereof to the person or persons who made the inquiry and to the Regional Director of said Board for his information.

2. If said ruling is that the proposed wage adjustment is of a sort which may be made without the approval of the National War Labor Board, then:

(a) The ruling shall be deemed to be an authoritative act of the Board through its agent for that purpose, and shall remain in effect unless reversed as provided below.

(b) If the Board's Regional Director, on receipt of the ruling from the office of the Wage and Hour Division, reverses it, he shall promptly notify the person or persons who made the inquiry that the adjustment is of a sort which requires approval. If in the meantime the employer has made the adjustment, relying upon the ruling by the office of the Wage and Hour Division that it did not need Board approval, then:

(i) the adjustment may be continued in effect for a period of ten days following the issuance of the Regional Director's ruling, within which period the employer may file with the office of the Wage and Hour Division (jointly with a duly recognized collective bargaining agency, or by himself, as previously provided), an application for approval of the adjustment;

(ii) if such an application is so filed, the adjustment may be further continued in effect until and unless it is finally disapproved under the Board's procedure. Such disapproval shall take effect only from the date of the issuance of the order of disapproval.

3. If the office of the Wage and Hour Division to which an inquiry has been addressed, as aforesaid, rules that the proposed adjustment is of a sort which cannot properly be made without the approval of the National War Labor Board, the ruling shall be deemed to be an authoritative act of the Board through said office as the Board's agent for that purpose. The person or persons who made the inquiry may seek from the Board's Regional Director a reversal of the ruling by the Wage and Hour Division office. The Regional Director's ruling on the question so submitted shall be final.

III. THE FILING OF APPLICATIONS FOR APPROVAL OF WAGE ADJUSTMENTS

1. Each application, when made, shall be filed with the nearest office of the Wage and Hour Division in the region as the agent of the National War Labor Board for that purpose. All applications shall be made upon appropriate forms prepared by the National War Labor Board.

2. Applications may be of two sorts. The first sort is where approval is sought of an adjustment which has been agreed upon by the parties or has been awarded in an arbitration proceeding. In such cases the application for approval may be signed by any party (or jointly by any or all the parties) to the contract or arbitration proceeding. The application shall state whether all the parties to the contract or arbitration proceeding have signed the application, and shall state the name and address of each party who has not signed the application. If there be any such party who has not signed, the Wage and Hour Division office with which the application was filed shall, as agent of the Board, before acting on the application, send said party a notice of the application. The notice shall request the party to state whether he contests the fact of the contract or arbitration award having been made. If, within seven days of the sending of the notice, he has not filed a statement contesting such fact, or if he files a statement admitting it, the application will then be acted on. If he contests the fact of the contract or award having been made, the matter will be treated as a dispute case and referred to the Conciliation Service of the Department of Labor, unless (a) the contract or award was in writing, (b) the writing or a certified or otherwise authenticated copy thereof has been produced, and (c) the office of the Wage and Hour Division is satisfied that no substantial question exists as to the party being a party thereto. Where the Wage and Hour Division is so satisfied, it shall rule accordingly and proceed with the handling of the application. The ruling may be reviewed (on petition of the protesting party) by the Regional Director of the National War Labor Board when the application is transmitted to him. His ruling shall be final.

3. The second sort of application is where an employer on his own initiative wishes to make a wage adjustment. In such cases the application shall be signed either (a) jointly by the employer and a duly recognized collective bargaining agency for any or all of the employees who are to be affected by the proposed wage adjustment, or (b) by the employer alone. In either case the application shall state whether or not there is a duly recognized collective bargaining agency (for any or all of the affected employees) which has not joined with the employer in the application. If it appears that there is such an organization which has not so joined, the office of the Wage and Hour Division, to which the application has been submitted, shall, as agent of the Board, before acting on the application, send to the appropriate local officials of such organization a notice of the application, requesting the organization, if it has any objections to the application being acted upon, so to inform the office. If no such objections are filed within seven days of the sending of the notice, or if the organization in question states that it has no objections, the application will then be acted upon. If objections are made within said period, the matter will be treated as a dispute case and referred to the Conciliation Service of the Department of Labor.

4. In cases where the employer has signed, or joined in signing, an application for approval of a wage increase, he shall state in the application whether he intends to make the proposed wage increases, if it is approved, the basis of an application to the Office of Price Administration for an adjustment of his maximum prices or for an amendment of the regulations establishing those prices.

5. In cases where the employer has not signed, or joined in signing, an application for approval of a wage increase, he shall be requested, in the notice of the filing of the application which the Wage and Hour Division office is required to send him under paragraph (2) above, to state whether he intends to make the proposed wage increase, if it is approved, the basis of an application to the Office of Price Administration for an adjustment of his maximum prices or for an amendment of the regulations establishing those prices. He shall be asked to make this statement (a) within seven days of the sending of said notice, or (b) if (as described in paragraph (2) above) he contests the fact of the agreement or arbitration award having been made, within seven days of any ruling by the Wage and Hour Division finding him to be a party to said agreement or arbitration award.

6. If the employer states that he intends to make the proposed wage increase (if it is approved) the basis of an application to the Office of Price Administration for an adjustment of his maximum prices or for an amendment of the regulations establishing those prices, (a) his statement shall be entered in an appropriate place on the application for a wage increase before the application is acted on by the Regional Director as provided below, and (b) the employer will be required to furnish further information, the nature and effect of which will be set forth hereinafter under (V).

7. When an application has been submitted to an office of the Wage and Hour Division, and no preliminary inquiry about jurisdiction has been made under (II) above, the office shall first make certain that the application is of a sort which needs the approval of the National War Labor Board. If the office believes that approval is not or may not be required by the applicable regulations and orders, the office shall proceed under (II) above exactly as if the applicant had asked for a preliminary ruling on jurisdiction. If no jurisdictional question is involved, or if there is such a question but it has been cleared up under (II) above, the office of the Wage and Hour Division shall then proceed with the application. In so doing, its function shall be as agent of the National War Labor Board for that purpose, to see to it that the appropriate forms prepared by the Board are fully and accurately filled out. When this has been done, the application shall be transmitted by said office to the nearest Regional Director of the National War Labor Board.

8. Upon receipt of the application, the Regional Director shall consider it. Before acting on it, he shall first make certain that it is the kind of application which requires Board approval (unless this question has already been ruled upon and determined under (II) above). If he concludes that the application does not require Board approval, he shall make a written ruling to that effect and send copies to the applicant or applicants. If he concludes that the application is of a sort which does require Board approval, he shall proceed to act upon it as provided

in (IV) below. In any case the Regional Director, before acting, may obtain further needed information informally from the applicant or applicants or from the Wage and Hour Division, or refer the application back to the Wage and Hour Division office for such further information as he may specify. In each case the Regional Director shall send a copy of the application to the Office of Price Administration for its information.

III A. APPLICATION BY EMPLOYERS' ASSOCIATION FOR APPROVAL OF WAGE OR SALARY ADJUSTMENT

Application for approval of a wage or salary adjustment may be made on a form approved by the National War Labor Board on behalf of more than one employer by an employers' association or other similar organization. Such an application may be executed by the appropriate representative of the association or other similar organization acting on behalf of all such employers.

The application shall state in addition to the other matters required by Section III, 3, the name and address of each employer on whose behalf it is made and who has not signed the application. The Wage and Hour Division Office with which the application is filed shall, as agent of the Board, before acting on the application send to each such employer a notice of the application.

The notice shall request the employer to state whether he has authorized the applicant to file the application on his behalf. If, within seven days of the sending of the notice, he has not filed a statement contesting the authorization, or if he files a statement admitting it, the application will then be acted on. If he contests the fact of authorization, he will not be considered as a party to the application.

In all other respects the procedure set forth in "Procedure in Cases of Voluntary Applications for Wage Adjustments by Private Employers" shall obtain, and the word "employer" wherever used therein shall, for the purpose of this Addendum, include "employers' association or other similar organization."

IV. DISPOSITION OF APPLICATIONS FOR APPROVAL OF WAGE INCREASES IN WHICH THE APPLICATION INDICATES THAT NO PRICE RELIEF WILL BE SOUGHT IF APPROVAL IS GRANTED

1. The Regional Director shall rule upon the application subject to the rights of review hereinafter set forth, and subject to his right to refer any case for decision, with his recommendation, to a tripartite panel in the region or to the National War Labor Board, if he believes that the case is sufficiently important from a stabilization point of view, or presents sufficiently serious and doubtful questions of interpretation of Board policy, to justify such action. In any case, whether the ruling be made by the Regional Director or by a panel, the Board shall have power, as set forth more fully hereinafter, to reopen the matter on its own initiative and to set aside any ruling.

2. If the Regional Director approves an application his ruling shall be final, subject to the Board's ultimate power of review just referred to.

3. If a panel to whom the Regional Director has referred an application approves it, the ruling shall be final, subject to the Board's ultimate power of review just referred to.

4. If the Regional Director disapproves the application (or approves a lesser increase than that requested) the applicant, or any applicant if there be more than one, may within ten days after the date of the issuance of the ruling file with the Regional Director a petition for a review. The Regional Director shall refer the petition to a tripartite panel.

5. Any ruling by the panel upon review, approving the application, shall be final, subject to the Board's ultimate power of review referred to above.

6. If a panel, in ruling upon an application which the Regional Director has referred to it for decision, or which the panel has received for review upon petition, disapproves the application (or approves a lesser increase than that requested), the ruling shall be final, subject (a) to the Board's ultimate power to review rulings on its own initiative, as set forth above, and (b) to the right of any member of the panel to refer the ruling to the Board for review if he believes the case of sufficient importance to justify action by the Board.

7. Copies of all rulings made by Regional Directors and by panels shall be promptly transmitted to the Executive Secretary of the National War Labor Board for analysis by a review division, whose duty it will be to lay before the Board, for such action as the Board may care to take, all rulings which involve serious questions of policy or which may affect price ceilings as provided below.

8. Any ruling by a Regional Director or by a panel shall be deemed to be the act of the Board unless and until reversed by the Board; and any such reversal shall take effect only from the date of its issuance, *Provided, however,* That if a ruling denying an application for permission to make a wage adjustment is over-ruled, the final ruling shall incorporate as the effective date of the increase that which was specified in the application as the effective date.

V. DISPOSITION OF APPLICATIONS FOR APPROVAL OF WAGE INCREASES IN WHICH THE APPLICATION STATES THAT HE INTENDS TO MAKE THE PROPOSED WAGE INCREASE IF IT IS APPROVED, THE BASIS OF AN APPLICATION TO THE OFFICE OF PRICE ADMINISTRATION FOR AN ADJUSTMENT OF HIS MAXIMUM PRICES OR FOR AN AMENDMENT OF THE REGULATIONS ESTABLISHING THOSE PRICES

1. The procedure shall be the same as in the cases described under (IV) above, except that

(a) The employer, at the time of the filing of the application for approval of a wage increase, or (if the application was not signed by him) at the time of filing his statement that he intends to seek price relief if the wage increase is approved, shall state fully, upon a form approved by the National War Labor Board, the relationship between the proposed wage increase and the employer's price situation, and what the effect would be on the employer's business if wages were increased without price relief. A copy of said form shall be sent with the application to the Office of Price Administration. Copies of any forms which the Office of Price Administration may require the employer to fill out, and which have been supplied for that purpose by said Office to the Wage and Hour Division offices, shall also be sent with a copy of the application to the Office of Price Administration.

(b) Copies of all rulings of Regional Directors, panels or the Board, approving or disapproving such applications shall be sent to the Office of Price Administration as well as to the applicant or applicants.

(c) If the application for a wage increase is approved, the ruling shall state that it will become effective only on final approval by the Board and, when required by the provisions of Executive Order No. 9250, by the Economic Stabilization Director.

Section 81.979a is amended as follows:

§ 81.979a *National War Labor Board Regions; geographical jurisdictions and addresses.* * * *

Region II: New York and the northern part of New Jersey including Sussex, Passaic, Bergen, Warren, Morris, Essex, Hudson, Union, Middlesex, Somerset, Monmouth and Hunterdon Counties.

Chanin Building, New York, New York.

Region III: Pennsylvania, Virginia, Delaware, Maryland, District of Columbia and southern counties of New Jersey.

573 Broad Street, Station Building, Philadelphia, Pa.

* * * * *

Region VII: Missouri, Arkansas, Nebraska, Kansas and Iowa.

Room 300, Mutual Interstate Building, Kansas City, Mo.

* * * * *

Section 81.979e is added as follows:

§ 81.979e *National War Labor Board Decentralization Plan.* On January 6, 1943, the National War Labor Board issued its decentralization plan consisting of six major points which are set forth in the succeeding paragraphs of this section.

(a) *Reconstitution of the present Regional Advisory Councils as Regional War Labor Boards.*

Reconstitution of the present Regional Advisory Councils as Regional War Labor Boards. Each Council will be designated as a Regional War Labor Board and will be reconstituted as follows:

(1) Each of the four industry and the four labor representatives will have an alternate member to be appointed by the National War Labor Board.

(2) The present Regional Director will become a public member of the Board and its Chairman. The authority now vested in him to rule on applications for voluntary wage and salary adjustments will be assigned to a Regional Wage Stabilization Director appointed by the National War Labor Board. It will be the duty of the Chairman, among other things, to supervise the work of the Wage Stabilization Director and to keep the Board, the staff, and the Board's panels informed of the policies and rulings of the National War Labor Board.

(3) At least one of the public members, in addition to the Chairman, will be full-time-salaried members of the Board. If there are not sufficient public members of the present Council who are in a position to accept the full-time positions which the National War Labor Board will designate, the National War Labor Board will appoint additional public members as needed. The National War Labor Board will then designate those four of the public members who will be the regular members of the Regional Board; the remainder will be alternates. One of the regular members will be appointed Vice Chairman.

(4) The staff of each Board, in addition to the wage Stabilization Director, will consist of a Director of the Disputes Division, and such other assistants as the National War Labor Board may approve.

(5) The National War Labor Board, after considering the recommendations of the Regional War Labor Board, will appoint a number of tripartite panels in appropriate places throughout the region to serve in dispute cases as hereinafter described.

(6) A quorum of the Regional War Labor Board will be six members in equal tripartite composition.

(b) *Procedure in dispute cases not involving wages.*

Procedure in dispute cases not involving wages. (a) A dispute in a particular region, when collective bargaining has failed, will as heretofore be assigned by the Department of Labor to one of its conciliators. This dispute will remain in conciliation until it is settled, or certified to the National War Labor Board under the provisions of Executive Order 9017. Upon its certification the Regional War Labor Board will be notified and the case will be considered by a new case com-

mittee consisting of the Chairman or Vice-Chairman, the Director of the Disputes Division, and one of the industry and one of the labor members. If the committee does not consider that the case is ready for a hearing, it may refer the case back to the parties for further negotiation, or to the conciliator for further information. If the case is deemed ready for a hearing, the committee will appoint a tripartite panel to hear the case, unless the parties agree to have the matter heard by a single person, in which case the committee will appoint one of the public panel members, or a member of the Board's staff, to hear the case. Wherever the term "panel" is hereafter used, it will be deemed to include a single hearing officer in the cases just mentioned.

(b) The new case committee, in determining what action to take, will consult with the Department of Labor's conciliator in charge of the case, and notify him of the action taken. In order to facilitate the maximum cooperation between the conciliation service and the Regional Board, the Department of Labor has informed the National War Labor Board of its willingness to designate in each region a Liaison Commissioner of Conciliation for that region, whose duty it will be to keep in constant touch with developments in the field and with the Board's Director of Disputes Division. Wherever practical the Liaison Commissioner will have his office in the same building as the Board.

(c) When the Department of Labor's conciliator in charge of the case is notified that the case has been set for hearing, he will use his best efforts to obtain from the parties, and it will be the duty of the parties to submit to him, a written statement of such of the facts as they can agree upon, together with such supplementary statements, briefs and exhibits as they believe necessary to explain and support their respective contentions. The conciliator will submit these documents to the panel in order that the panel members may familiarize themselves with the case as fully as possible before the hearing, and thereby shorten and expedite the hearing.

(d) The hearing will be informal, and, save in exceptional cases and upon the instructions of the Regional War Labor Board, no stenographic record of the hearing will be kept. Upon the conclusion of the hearing, if a settlement is not effected, the panel will report its recommendations to the Regional War Labor Board, together with the written statements, briefs and exhibits of the parties. Copies of the report will be furnished to the parties. If the panel's report is unanimous, the Regional War Labor Board will not, save in exceptional cases, hear argument upon the report, but will proceed to decide the matter. If the report is not unanimous, the Regional War Labor Board may in its discretion hear argument upon the report before reaching a decision.

(e) Any Regional War Labor Board may certify to the National War Labor Board any case or any question in any case upon which it desires the Board's decision; but the National War Labor Board may in its discretion reject such certification and require the Regional Board to decide the case or the particular question, with or without a subsequent review by the National War Labor Board.

(c) *Procedure in dispute cases involving wages or salaries.*

Procedure in dispute cases involving wages or salaries. The procedure will be the same as in other dispute cases, except as follows:

(a) If an agreement between the parties calling for a wage or salary adjustment is brought about, the conciliator assigned to the case or the panel chairman as the case may be, will file the agreement directly with the Regional Wage Stabilization Director (instead of with the Wage and Hour Office), together with a complete application Form 10, which he will assist the parties in preparing. Conciliators through the Liaison Commissioner of Conciliation and panels will be at liberty in all cases, to consult the Regional Wage Stabilization Director, in advance of any settlement, regarding the application to the particular situation of the Board's wage stabilization policy.

(b) If an agreement to refer the wage question to arbitration is brought about, and the arbitrator's award provides for a wage or salary adjustment, the award, together with a completed application Form 10, will be filed directly with the Regional Wage Stabilization Director. Wherever practical, the conciliator assigned to the case or the panel chairman as the case may be, will assist in preparing and seeing to the filing of the application form. Arbitrators will be at liberty in all cases to consult the Regional Wage Stabilization Director, in advance of any settlement, regarding the application to the particular situation of the Board's wage stabilization policy.

(c) After either of the above steps has been taken the procedure will be the same as in voluntary wage and salary adjustment cases.

(d) *Procedure in voluntary wage and salary adjustment cases.*

Procedure in voluntary wage and salary adjustment cases. (a) Applications for approval of proposed voluntary wage adjustments (other than those resulting from settlements effected through conciliation, as described under III above) will be filed as at present with the appropriate Wage and Hour Division office for transmission to the Regional Wage Stabilization Director.

(b) In all cases in which the Regional Wage Stabilization Director is not authorized to make a ruling the Regional War Labor Board will be authorized to make the ruling, as agent for the National War Labor Board.

(c) A petition for review of a ruling by a Regional Wage Stabilization Director (denying in whole or in part a proposed adjustment) may be filed with the Regional War Labor Board within ten days after the issuance of the ruling. In such cases the burden will be on the petitioner to show in his petition that the ruling was erroneous and that it would work substantial hardship on him.

(e) *Authority of the Regional War Labor Boards.*

Authority of the Regional War Labor Boards. Each Regional War Labor Board will have authority to issue directive orders in dispute cases and rulings, in voluntary wage and salary adjustment cases, as agent of the National War Labor Board and within the framework of its policies. These orders and rulings will be final, except that:

(1) The National War Labor Board may, by an order of review, on its own motion assume jurisdiction over any dispute case at any stage of the proceedings either before or after the final order of a Regional War Labor Board;

(2) Any party will have the right, within ten days after the issuance of a directive order by a Regional War Labor Board, to petition the National War Labor Board for a review. In such cases the burden will be on the petitioner to satisfy the Board in his petition (a) that a novel question is involved of sufficient importance to warrant national action, or (b) that the procedure adopted has been unfair to the petitioner and has resulted in substantial hardship; or (c) that the decision has exceeded the Board's jurisdiction or is manifestly in conflict with established Board policy. The filing of such a petition will operate to stay the Regional Board's order until the petition is disposed of.

(3) Copies of all directive orders calling for wage or salary adjustments, and of all rulings approving proposed adjustments, will be filed with the National War Labor Board, together with the Regional War Labor Board's opinion, if any, before the order or ruling is formally issued or announced to the parties. Each such order or ruling will take effect and may be formally issued and announced to the parties, upon the expiration of ten days after the date of filing (subject thereafter to the National War Labor Board's ultimate power of non-retroactive review on its own motion), unless (a) the order or ruling is earlier approved by the National War Labor Board, or (b) within the ten-day period the National War Labor Board sets the case down for review, in which event the order or ruling will be stayed until the case is finally disposed of.

(f) *Summary of relations between the Regional Wage Stabilization Directors, the Regional War Labor Board, and the National War Labor Board.*

Summary of relations between the Regional Wage Stabilization Directors, the Regional War Labor Board, and the National War Labor Board. (a) The Regional Wage Stabilization Director will not deal with disputes; he will concentrate exclusively on the administration of the National War Labor Board's wage stabilization program, working under the general supervision of the Chairman of the Regional War Labor Board.

(b) The Regional War Labor Board, as already indicated, will deal with disputes, including wage disputes, and will also make wage rulings in cases appealed from the Regional Wage Stabilization Director or in which the latter is not authorized to act.

(c) The functions of the National War Labor Board will then be as follows:

1. To exercise ultimate reviewing authority, and a general superintendence over the Regional machinery.

2. To hear appeals from Regional War Labor Board orders in cases where petitions for review are granted by the National War Labor Board.

3. To issue general policy directives.

4. To take jurisdiction of cases of general importance whenever it may seem in the public interest to do so.

5. To support the Regional War Labor Boards in maintaining the national no-strike agreement and in obtaining compliance with their directives orders.

Section 81.980*l* is amended as follows:

§ 81.980*l* *General Order No. 12–A.*

General Order No. 12–A. General Order No. 12, adopted November 12, 1942, is hereby revoked as of December 29, 1942, and in its stead there are adopted the procedures set forth in the Joint Statement of the National War Labor Board and the Commissioner of Internal Revenue, dated December 26, 1942, and attached hereto and made a part hereof.

JOINT STATEMENT OF THE NATIONAL WAR LABOR BOARD AND THE COMMISSIONER OF INTERNAL REVENUE

PROCEDURE FOR WAGE AND SALARY ADJUSTMENTS BY STATE, COUNTY AND MUNICIPAL GOVERNMENTS AND AGENCIES THEREOF

DECEMBER 26, 1942.

On November 12, 1942, The National War Labor Board and the Commissioner of Internal Revenue, pursuant to the Regulations of the Economic Stabilization Director, Established a procedure whereby adjustments in salaries or wages of state, county, or municipal employees would be submitted to the Board or the Commissioner, as the case might be, for approval. It was provided that each such adjustment would be deemed approved upon certification by the particular state or

local agency that the adjustment was necessary "to correct maladjustment, or to correct inequalities or gross inequities as contemplated by Executive Order No. 9250." It was further provided that if a proposed adjustment would raise wages or salaries above the prevailing level of compensation for similar services in the area or community, application for approval should be filed with the Board or the Commissioner, as the case might be.

Since the announcement of the foregoing procedure was made, a multitude of certificates of wage or salary adjustments have been received from state and local agencies. In the course of a detailed examination of the facts set forth in these certificates, neither the Board nor the Commissioner has had occasion to question any adjustments made by any of the state or local agencies. In the light of this experience, which indicates that statutory budgetary controls are operating to keep salary and wage movements of state and local agencies within very narrow bounds, the Board and the Commissioner have determined to make the following changes in procedure effective forthwith:

1. In all cases where an adjustment in wages or salaries by a State, county or municipal agency is necessary to correct maladjustments, inequalities or gross inequities as contemplated by Executive Order No. 9250, and would not raise salaries or wages above the prevailing level of compensation for similar services in the area or community, the adjustments will be deemed approved without the necessity of filing certificates for the information of the Board or Commissioner.

2. In all other cases, the state or local agency is requested to take the matter up with the Joint Committee on Salaries and Wages, Department of Labor Building, Washington, D. C. This Committee, with the approval of the Economic Stabilization Director, has been established by the Board and the Commissioner, and has been authorized to advise state and local agencies in these cases whether or not the particular adjustments are in accordance with the national stabilization policy. While the Committee in the performance of its functions will not attempt to exercise any legal sanctions, Congress, in the Act of October 2, 1942, clearly intended that all employers and all employees would be covered by the national stabilization policy, and since millions of public employees are engaged in the same kind of work as private employees, the duty of public employers to conform to that policy is as plain as that of private employers. The way in which governmental agencies have been cooperating with the Board and the Commissioner to date indicates their desire to discharge that duty to the same extent as it required of non-governmental employers.

On November 25, 1942, the National War Labor Board determined that General Order No. 12 applies to employees of the District of Columbia.

The list of Government-owned, privately-operated facilities in § 81.980n is separated into two lists as follows:

§81.980n *General Order No. 14.* * * *

(b) *Government-owned, privately-operated facilities.* The following Government-owned, privately-operated facilities are embraced within the delegation to the War Department Agency:

Government - owned, privately - operated Ordnance Facilities:

Alabama Ordnance Works # 1 and 2, Sylacauga, Alabama.

* * * * *

Wolf Creek Ordnance Plant, Milan, Tennessee.

* *Government - owned, privately - operated Army Air Forces Facilities:*

Government Plant No. 1, Martin, Omaha, Nebraska.

* * * * *

Modification Center No. 12, Northwest Airlines, St. Paul, Minnesota.

* * * * *

Section 81.980z is added as follows:

§ 81.980z *General Order No. 26.*

(a) Adjustments in the wages or salaries of employees engaged in rendering hospital services and employed by a non-profit organization which maintains and operates a hospital will be deemed approved without submission to the Board, providing that such adjustments do not raise the wages or salaries beyond the prevailing level of compensation for similar services in the area or community.

(b) Monthly reports of such adjustments shall be submitted by each such organization to the National War Labor Board's Division of Review and Analysis, together with such information and data as the said Division or the Board may from time to time require.

(c) Such adjustments shall be subject to the National War Labor Board's ultimate right of review on its own initiative, but any modification or reversal thereof will not be retroactive.

(d) Adjustments which would have the effect of raising the wages or salaries above the prevailing level of compensation for similar services in the area must be submitted for approval by the Board in the usual manner.

Section 81.980aa is added as follows:

§ 81.980aa *General Order No. 27.*

(a) The National War Labor Board, in accordance with the further provisions of this order, hereby delegates to the Administrator of the National Housing Agency, to be exercised on his behalf by the Commissioner of the Federal Public Housing Authority (hereafter referred to as the Housing Wage Agency), the power to approve or disapprove all applications for adjustments of wages and salaries (insofar as approval thereof has been made a function of the National War Labor Board) of employees whose wages and salaries are not fixed by statute that are employed within the continental United States and Alaska by

(1) Federal Public Housing Authority

(2) Defense Homes Corporation, and

(3) Property managers of Defense Homes Corporation projects.

(b) In the performance of its duties hereunder the Housing Wage Agency shall comply with Executive Order 9250, dated October 3, 1942, and all regulations heretofore or hereafter issued thereunder, and with the declaration of wage policy of the National War Labor Board, dated November 6, 1942. The Housing Wage Agency, without making an initial ruling thereon may refer to the National War Labor Board, for decision by the Board, any application which in its opinion presents doubtful or disputed questions of sufficient seriousness and import to warrant direct action by the Board.

(c) The Housing Wage Agency shall transmit to the Review and Research Division of the National War Labor Board copies of its rulings, and rules of procedure, if any, as they are issued, and such additional data and reports as said Division or the Board may from time to time deem necessary.

(d) Any ruling by the Housing Wage Agency hereunder shall be deemed the act of the National War Labor Board and shall be final, subject to the National War Labor Board's right to review rulings on its own motion and to reverse or modify the same. Any such reversal or modification shall not be retroactive and shall allow the Commissioner of the Federal Public Housing Authority a period of two weeks for compliance.

§§ 81.981 to 81.981c are renumbered §§ 81.982 to 81.982c and new §§ 81.981 to 81.981e, inclusive, are added.

§ 81.981a *West Coast Lumber Commission—(September 17, 1942).*

West Coast Lumber Commission—(September 17, 1942). In order to effectuate a final determination of the issues in the above-entitled cases (17 enumerated cases) and other pending and future labor disputes in the lumber industry in the Western states, the National War Labor Board, under the provisions of paragraph 3 of the Executive Order of January 12, 1942, hereby directs:

1. That there shall be created immediately a National War Labor Board West Lumber Commission which shall take jurisdiction over, hear and determine the above-entitled cases and all other pending and future labor disputes which might interrupt production of lumber and lumber products in Oregon, Washington, Idaho, Montana and California.

2. That the Commission shall consist of five (5) members who shall be appointed as paid officials of the National War Labor Board. Of the persons so appointed, one shall represent the public and act as chairman of the Commission, two shall represent labor and two shall represent industry, but the representatives of labor and industry shall not be selected from within the lumber industry covered by this Order.

The National War Labor Board, at any time, may appoint alternates for the representatives of labor and industry. If the Commission is unable to reach a unanimous decision on any question, the Chairman shall decide the issue.

3. That in view of the vital importance of the lumber industry to the production of those things essential to the successful prosecution of the war, the Commission shall have the power to promulgate such rules and regulations, issue such orders and take such actions relating to the issues before it as may be necessary to effectuate a stabilization of labor conditions in the lumber industry of the area designated in paragraph 1 above, secure industrial harmony in said area and assure maximum production of lumber and lumber products.

The Commission shall have the power to determine whether, within the terms of this Order, it may properly assume jurisdiction over any dispute.

4. That the determinations and orders of the Commission shall be final and binding upon all parties coming before the Commission except and until the National War Labor Board, in any given case, decides to review the Commission's determination of that case.

A review by the National War Labor Board of any action, finding or order of the Commission shall not be considered a right of parties coming before the Commission but such review shall be made only in those cases where the Board decides that the Commission's order should be reviewed and if necessary modified or set aside.

(a) On October 6, 1942, the National War Labor Board appointed the following persons as paid members of the West Coast Lumber Commission:

Chairman—Ben H. Kizer

For industry—E. B. McNaughton and Dean Ballard

For labor—Jame Landye and William Geurts

(b) On October 6, 1942, the National War Labor Board announced that the West Coast Lumber Commission will have jurisdiction over the lumber and lumber products industry in Oregon, Washington, Idaho, Montana and California.

(c) By Directive Order of October 15, 1942, the National War Labor Board deleted the second sentence of the second paragraph of subdivision 2 of the Order of September 17, 1942, and substituted therefor the following:

The policies, decisions and Directive Orders of the Commission shall be determined by a majority vote of the Commission.

(d) By Directive Order of January 5, 1943, the National War Labor Board supplemented its Order of September 17, 1942, creating the West Coast Lumber Commission (§ 81.98a), as amended by its order of October 15, 1942 (paragraph (c) of this section) by the addition of the following paragraph:

5. That the Commission shall have the power to receive and determine applications for voluntary wage increases in the lumber industry pursuant to Executive Order 9250 of October 3, 1942, subject to the rules and regulations established by the Board under said Order, except that the Commission may give approval to all applications which request authority to adjust wages, including adjustment of piece rates, to conform with the wages determined by the Commission in cases involving wage disputes in the same community.

§ 81.981b *Non-Ferrous Metals Commission—(December 3, 1942).*

Non-Ferrous Metals Commission (December 3, 1942). By virtue of the authority vested in it under Executive Orders #9017 and #9250, and in order to effectuate its resolution adopted October 23, 1942, establishing a Non-Ferrous Metals Commission, the National War Labor Board hereby orders that:

1. The Non-Ferrous Metals Commission shall have jurisdiction over and shall hear and determine labor disputes and requests for wage and salary adjustments affecting the stabilization of the mining, milling, smelting and refining of non-ferrous metals, referred to it by the Board or referred to it, under conditions to be established by the Commission, by the Regional Directors of the 9th, 10th and Alaskan regions of the Board.

The jurisdiction of the commission shall not extend to those enterprises which supply materials and equipment to the above-named industries.

2. The Commission shall consist of a chairman and vice-chairman representing the public, two representatives of industry, and two representatives of labor. The National War Labor Board may, at any time, appoint alternates for the representatives of labor and industry.

3. In the determination of matters within its jurisdiction the Commission shall be governed by the provisions of Executive Orders No. 9017 and No. 9250; and it shall, subject to the approval of the National War Labor Board, have power to promulgate rules and regulations appropriate for the performance of its duties.

4. The determinations and orders of the Commission shall be final and binding upon the parties, subject only to review by the National War Labor Board on its own motion. Any ruling by the Commission shall be deemed to be the act of the National War Labor Board unless and until reversed or modified by the Board; and any such reversal or modification shall take effect only from the date of its issuance, *Provided, however,* That if a ruling denying an application for permission to make wage adjustments is overruled, the final ruling shall incorporate as the effective date of the increase that date which was specified in the application as the effective date.

5. In any case where the employer at the time of the filing of the application for approval of a wage increase or at the time of referral of the case to the Commission indicates that he intends to seek price relief if a wage increase is approved, he shall state fully upon a form approved by the National War Labor Board the relation between the proposed wage increase and the employer's price situation, and what the effect would be on the employer's business if wages were increased without price relief. A copy of said form shall be sent to the Office of Price Administration.

Copies of all rulings of the Commission in cases in which an application for price increase is involved shall be sent to the Office of Price Administration, as well as to the parties.

If application for a wage increase in such a case is approved, the ruling shall state that it will become effective only on final approval by the National War Labor Board, and, when required by the Provisions of Executive Order No. 9250, by the Economic Stabilization Director.

6. The Commission shall, so far as practicable, utilize the information, data and staff services of the National War Labor Board and of other Federal Departments and agencies. The employment by the Commission of additional personnel, facilities or services shall be subject to the approval of the National War Labor Board.

(a) On November 29, 1942, the National War Labor Board appointed the following members of the Non-Ferrous Metals Commission:

For the public—Charles A. Graham, Chairman and John Gorsuch, Vice Chairman.

For labor—James F. O'Brien and A. E. Stevenson.

For industry—Henry M. Hartman and S. M. Thompson.

Executive secretary—James M. Burns.

(b) By Directive Order the National War Labor Board amended the Order of December 3, 1942, quoted above, by deleting the second paragraph of subdivision 5 and substituting therefor the following:

Copies of all rulings of the Commission in cases in which an application for price increase is involved shall be sent to the National War Labor Board for transmittal to the Office of Price Administration.

§ 81.981c *Detroit Area Tool & Die Commission—(December 14, 1942).*

Detroit Area Tool & Die Commission—(December 14, 1942). (1) There shall be created immediately a National War Labor Board Detroit Area Tool and Die Commission which shall take jurisdiction over, hear, and determine all pending and future disputes, requests for interpretations, petitions for voluntary wage increases or adjustments in minima rates, and any other matters within the jurisdiction of the National War Labor Board concerning the tool and die industry in the area hereinabove specified.

(2) The Commission shall consist of a permanent Chairman appointed by the National War Labor Board and industry and labor representatives, serving on an ad hoc basis, chosen by the Chairman of the Commission from a panel of names approved by the National War Labor Board. In cases involving no disputes or conflicts of interests the Chairman may act alone. In selecting panels, the Chairman shall take into account the conflicting interests involved in the matter to be considered.

(3) The Commission shall have the power to determine whether, within the terms of this Order, it may properly assume jurisdiction over any dispute. All cases involving wage disputes within the terms of this Order may be referred by the parties directly to the Commission without prior recourse to the United States Conciliation Service. All petitions for approval of voluntary wage increases or adjustment of minima rates for tool and die workers within the area hereinabove specified shall be referred in the first instance to the Commission: *Provided, however,* That the Commission shall in all such cases inform the Regional Director for the Fifth Region as to the action taken by it and shall send him copies of all wage agreements approved.

(4) The determinations of the Commission shall be final and binding upon all parties coming before the Commission except and until the National War Labor Board, in any given case, having decided to review the Commission's determination of that case, reverses or modifies the determination.

(5) A review by the National War Labor Board of any action, finding, or order of the Commission shall not be considered a right of parties coming before the Commission but will be granted only in the discretion of the National War Labor Board for good cause shown.

(a) *Jurisdiction.* The area covered by the Tool and Die Commission Order shall include the counties of Wayne, Oakland, Macomb, Monroe, Washtenaw and Genesee in the State of Michigan and is subject to extension upon further order of the National War Labor Board. Tool and die workers in all jobbing and manufacturing plants in such area are covered by the Commission's jurisdiction. Manufacturing plants are defined to include those employing tool and die workers for the manufacture, repair and maintenance of tools and dies used primarily in their own manufacturing processes. The Order, however, does not include production workers working outside the tool and die rooms under job classifications similar to the tool and die classifications, nor does it extend to companies supplying materials or equipment to the non-ferrous mining industry.

(b) *Chairman.* On December 14, 1942, the National War Labor Board designated Benjamin Aaron as the Chairman of the Detroit Area Tool and Die Commission.

§ 81.981d *Trucking Commission—(December 16, 1942).*

Trucking Commission—(December 16, 1942). By virtue of the authority vested in it under Executive Orders 9017 and 9250 and in order to effectuate its resolution adopted November 3, 1942, establishing a Trucking Commission, the National War Labor Board hereby orders that:

1. The Trucking Commission shall have jurisdiction over and shall hear and determine labor disputes and requests for wage and salary adjustments affecting the stabilization of the Trucking Industry or that part of an industry which is Trucking, referred to it by the Board.

2. The Commission shall consist of three (3) members who shall be appointed as paid officials of the National War Labor Board. Of the persons so appointed, one shall represent the public and act as Chairman of the Commission, one shall represent labor and one shall represent industry. The Board may at any time appoint alternates for the members of the commission.

3. In the determination of matters within its jurisdiction the Commission shall be governed by the provisions of Executive Orders

9017 and 9250 and by the National War Labor Board's statement of wage policy of November 6, 1942, and any other General Order or policy heretofore or hereafter announced thereunder; and it shall, subject to the approval of the National War Labor Board, have power to promulgate rules and regulations appropriate for the performance of its duties.

4. The determinations and orders of the Commission shall be final and binding upon the parties, subject only to review by the National War Labor Board on its own motion. Any rulings by the Commission shall be deemed to be the act of the National War Labor Board unless and until reversed or modified by the Board; and any such reversal or modification shall take effect only from the date of its issuance: *Provided, however,* That if a ruling denying an application for permission to make wage adjustments is overruled, the final ruling shall incorporate as the effective date of the increase that date which was specified in the application as the effective date.

5. In any case where the employer at the time of the filing of the application for approval of a wage increase or at the time of referral of the case to the Commission indicates that he intends to seek price relief if a wage increase is approved, he shall state fully upon a form approved by the National War Labor Board the relations between the proposed wage increase and the employer's price situation, and what the effect would be on the employer's business if wages were increased without price relief. A copy of said form shall be sent to the Office of Price Administration.

Copies of all rulings of the Commission in cases in which an application for price increase is involved shall be sent to the Office of Price Administration as well as to the parties.

If application for a wage increase in such cases is approved the ruling shall state that it will become effective only on final approval by the National War Labor Board, and when required by the provisions of Executive Order No. 9250, by the Economic Stabilization Director.

6. The Commission shall, so far as practicable, utilize the information, data and staff services of the National War Labor Board and of other Federal Departments and agencies. The employment by the Commission of additional personnel, facilities or services shall be subject to the approval of the National War Labor Board.

(a) On December 16, 1942, the National War Labor Board appointed the following persons as paid members of the Trucking Commission:

For the public—Professor Howard Meyerhoff, Chairman.
For industry—Landis O'Brien.
For labor—Frank Tobin.

§ 81.981e *Shipbuilding Commission—(January 15, 1943).*

Shipbuilding Commission—(January 15, 1943). By virtue of the authority vested in it by Executive Order Nos. 9017 and 9250 and in order to effectuate the purposes thereof, the National War Labor Board hereby orders the following disposition of matters within its jurisdiction in the field of shipbuilding. Shipbuilding under this order, whether or not carried on subject to shipbuilding stabilization zone standards, is the construction, conversion, outfitting, and repair of floating marine structures, including floating drydocks, within the continental limits of the United States and Alaska, exclusive of establishments owned and directly operated by the United States, provided the activity is carried on in the water, in drydocks, in basins, on ways for launching, or on the premises of a shipyard or boatyard.

PART I—SHIPBUILDING STABILIZATION COMMITTEE

A. Title III, Section 3 of Executive Order No. 9250 of October 3, 1942, provides: "The National War Labor Board shall permit * * * the Shipbuilding Stabilization Committee * * * to continue to perform its functions * * * except insofar as any of them is inconsistent with the terms of this order." Pursuant thereto, the Shipbuilding Stabilization Committee shall continue to perform the functions ascribed to it by general Administrative Order No. 2–57 of the chairman of the War Production Board and by the Shipbuilding Stabilization Zone Standards Agreements as amended May 16, 1942.

B. No new wage rate fixed by Zone Standards Agreement shall become effective until approved by the National War Labor Board.

PART II—

SHIPBUILDING COMMISSION

A. The National War Labor Board hereby creates the Shipbuilding Commission.

B. The Commission shall consist of seven members; a chairman, two members representing management and two members representing labor (and such alternates as may be appropriate) appointed and paid by the Board; one member (and such alternates as may be appropriate) appointed by the Secretary of the Navy; and one member (and such alternates as may be appropriate) appointed by the Maritime Commission.

C. The chairman of the Commission and the members appointed by the Secretary of the Navy and the Maritime Commission shall be deemed to represent the public.

D. The Commission shall rule on all applications for approval of voluntary adjustments of wages, salaries, and other reimbursable costs and on all disputes of whatever nature, using procedures similar to those of the National War Labor Board.

E. The Commission shall apply zone standards to yards that have agreed to them and in applying them shall be bound by the Shipbuilding Stabilization Committee's interpretations.

F. The Commission shall be governed by Executive Order Nos. 9017 and 9250 and all regulations heretofore or hereafter issued thereunder, and by the National War Labor Board's statement of wage policy of November 6, 1942. Subject to the approval of the National War Labor Board, it may make its own regulations and rules of procedure.

G. Every ruling of the Commission shall be final, subject only to review by the National War Labor Board on its own motion. Every ruling of the Commission shall be deemed the act of the National War Labor Board unless and until reversed or modified; and any such reversal or modification shall take effect only from the date of its issuance, *Provided, however,* That if a ruling on wage or salary rates and other reimbursable costs is modified or overruled, the final ruling may be retroactive.

§ 81.982 *Interpretations of National War Labor Board.* * * *

§ 81.982a *Overtime compensation; 48 hour week.* * * *

§ 81.982b *Overtime compensation; no limitation on number of hours per week.* * * *

§ 81.982c *Overtime compensation; 40 hour week.* * * *

Sections 81.983, 81.983a, 81.983b, and 81.983c are added as follows:

§ 81.983 *Joint statement of the National War Labor Board and the Commissioner of Internal Revenue.* Occasionally the National War Labor Board and the Commissioner of Internal Revenue issue joint statements with respect to important matters in order that a single uniform policy may be established throughout the country. Such joint statements of the National War Labor Board and the Commissioner of Internal Revenue will be set forth in the succeeding sections which are designated § 81.983 followed by a letter of the alphabet.

§ 81.983a *Statement of November 12, 1942.* On November 12, 1942, the National War Labor Board and the Commissioner of Internal Revenue issued a joint statement setting forth the procedure for wage and salary adjustments by State Governments and subdivisions and agencies thereof. Since this procedure is pertinent to section 4001.13 of the Regulations of the Economic Stabilization Director, the text of this statement has been set forth in § 81.976.

§ 81.983b *Statement of December 26, 1942.* On December 26, 1942, the National War Labor Board and the Commissioner of Internal Revenue issued a joint statement changing the procedure provided for in the statement of November 12, 1942. This joint statement took the form of General Order No. 12–A and the text thereof may be found in § 81.980*l*.

§ 81.983c *Joint statement of January 23, 1943, by the Commissioner of Internal Revenue and the National War Labor Board regarding the victory tax.*

Joint statement of January 23, 1943, by the Commissioner of Internal Revenue and the National War Labor Board regarding the victory tax. Since the adoption by the Congress of the 5% Victory Tax two questions of importance to employers and employees have been asked of the Commissioner of Internal Revenue and the National War Labor Board. One question relates to whether under the Anti-Inflation Act, employers may pay the 5% Victory Tax for their employees without deducting and withholding it from the employees' pay, and without the approval of the Commissioner or the Board. The other question relates to whether or not it was intended that the tax should be withheld on that portion of a wage or salary increase awarded or approved by the Commissioner of Internal Revenue or the War Labor Board in 1943 which is made applicable retroactively to work performed in 1942.

To avoid the necessity of individual employers and employees making separate requests for rulings on these questions and in order that a single uniform policy shall exist throughout the nation on these important matters, the Commissioner of Internal Revenue and the National War Labor Board have jointly determined to make the following announcement:

(1) The payment by an employer of the 5% Victory Tax on behalf of his employees without deducting it from the employees' pay is a wage or salary increase requiring the prior approval of the Board or the Commissioner pursuant to Executive Order No. 9250 and the Regulations of the Director of Economic Stabilization.

(2) On January 23, the Commissioner of Internal Revenue issued a ruling interpreting the Revenue Act so that where the National War Labor Board or the Commissioner of Internal Revenue awards or approves an increase in wages or salaries retroactive to 1942,

the tax need not be withheld on that portion of the increase which is applicable to work performed in 1942.

(3) Whether the 5% tax will ultimately be collected on such retroactive pay is a matter to which the Congress may give its attention during the current session.

Forty-eight Hour Workweek

Section 81.985 is added as follows:

§ 81.985 The following is the full text of an Executive Order issued under date of February 9, 1943:

EXECUTIVE ORDER 9301

Establishing a minimum wartime workweek of forty-eight hours.

By virtue of the authority vested in me by the Constitution and statutes, as President of the United States, and in order to meet the manpower requirements of our armed forces and our expanding war production program by a fuller utilization of our available manpower, it is hereby ordered:

1. For the duration of the war, no plant, factory or other place of employment shall be deemed to be making the most effective utilization of its manpower if the minimum workweek therein is less than 48 hours per week.

2. All departments and agencies of the Federal government shall require their contractors to comply with the minimum workweek prescribed in this order and with policies, directives and regulations prescribed hereunder, and shall promptly take such action as may be necessary for that purpose.

3. The chairman of the War Manpower Commission shall determine all questions of interpretation and application arising under this order and shall formulate and issue such policies, directives and regulations as he determines to be necessary to carry out this order and to effectuate its purposes. The chairman of the War Manpower Commission is authorized to establish a minimum workweek greater or less than that established in section 1 of this order or take other action with respect to any case or type of case in which he determines that such different minimum workweek or other action would more effectively contribute to the war effort and promote the purposes of this order.

4. All departments and agencies of the Federal Government shall comply with such policies, directives, and regulations as the chairman of the War Manpower Commission shall prescribe pursuant to this order, and shall so utilize their facilities, services and personnel and take such action under authority vested in them by law as the chairman determines to be necessary to effectuate the purposes of this order and promote compliance with its provisions.

5. Nothing in this order shall be construed as superseding or in conflict with any Federal, State or local law limiting hours of work or with the provisions of any individual or collective bargaining agreement with respect to rates of pay for hours worked in excess of the agreed or customary workweek, nor shall this order be construed as suspending or modifying any provision of the Fair Labor Standards Act (Act of June 25, 1938; 52 Stat. 1060; 29 U.S.C. 201 et seq.) or any other Federal, State or local law relating to the payment of wages or overtime.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 9, 1943.

Miscellaneous Purchase Instructions

In § 81.1112 the following changes are made: Paragraphs (g), (i), and (j) are amended. Paragraph (k) is redesignated paragraph (l) and amended and a new paragraph (k) is added. Paragraphs (l), (m), (n), (o), and (p) are redesignated (n), (o), (p), (r), and (s), respectively, paragraphs (o) and (r) being amended. New paragraphs (m), (q), and (t) are added.

§ 81.1112 *Adjustment of royalties for use of inventions.* * * *

(g) *Authority of Secretary of War to delegate powers and issue regulations under Act.* The Secretary of War is authorized in his discretion and under such rules and regulations as he may prescribe, to delegate any powers conferred by the Act to such qualified and responsible officers, boards, agents or persons as he may designate or appoint. He is also authorized to issue such rules and regulations and to require such information as may be necessary and proper to carry out the provisions of the Act. In accordance with the provisions of the Act, rules and regulations have been prescribed and delegations of authority have been issued, the terms of which are set forth in the succeeding paragraphs.

* * * * *

(i) *Further delegations.* The authority referred to in clauses (1) and (2) of paragraph (h) of this section has been further delegated to the following:

(1) All Division Engineers of the Corps of Engineers, and

(2) Director of Research and Development Division, Signal Corps.

The Secretary of War or the Under Secretary of War upon request will make further delegations. In the event the chief of any supply service desires that the authority referred to in clauses (1) and (2) of paragraph (h) be delegated to other officers, such chief shall forward to the Director, Purchases Division, Headquarters, Services of Supply, a memorandum specifying the office to whom such delegation should be made and the extent of such delegation. The title of the position held and not the name of the individual officer should be specified. The powers, duties and authorities referred to in paragraph (h) shall not be redelegated by the chiefs of the supply services under the authority to redelegate conferred in § 81.107 (i).

(j) *Giving of notice.* The notice referred to in this and the succeeding paragraphs is the written notice, specified in Section 1 of the Act, of the fact that the rates and amounts of royalties are believed to be unreasonable or excessive. Such notice shall not be given to the licensor and licensee until (1) there has been obtained from the Director, Purchases Division, Headquarters, Services of Supply, such information, if any, as his records contain as to the service of a notice, or the consideration which has or is being given to the service of a notice, by any supply service or by any governmental agency with respect to the same invention; and

(2) (i) the licensor has been advised that the issuance of a notice under the Act is contemplated and in the opinion of the authority contemplating the issuance of a notice, an opportunity voluntarily to effect a prompt and satisfactory adjustment of the royalties has been afforded and such adjustment cannot be effected, or

(ii) a recommendation has been made that no such advice as to the issuance of a notice be given to the licensor and such recommendation has been approved by the Director, Purchases Division, Headquarters, Services of Supply.

(k) *Procedure in the event more than one supply service is concerned.* In the event more than one supply service is concerned with the rates or amounts of royalties, any such supply service may exercise, subject to the direction of the Under Secretary, as to such royalties the authority referred to in subparagraph (1) of paragraph (h) under all contracts or subcontracts with, or purchases by or for, the War Department. Where more than one supply service is concerned with the rates or amounts of royalties, the Director, Purchases Division, Headquarters, Services of Supply, shall be advised of such fact and thereupon directions shall be issued by him as to how, and by whom, the authority referred to in subparagraphs (2), (3) and (4) of paragraph (h) shall be exercised for the War Department.

(l) *Appropriate action to be taken by each supply service.* Subject to the foregoing, the chief of each supply service shall cause such action to be taken as may be appropriate in order that the purpose of the Act to prevent the inclusion in the prices paid by the War Department of unreasonable or excessive royalties may be achieved. Such action shall be taken pursuant to such instructions as may be issued by the chief of the supply service concerned.

(m) *Information to be obtained from and furnished to the Purchases Division.* When it appears to any supply service that the issuance of a notice as referred to in clause (2) (i) of paragraph (j) of this section is contemplated, it shall (1) obtain from the Director, Purchases Division, Headquarters, Services of Supply, the information referred to in clause (1) of paragraph (j), and

(2) file, in triplicate, with the Director, Purchases Division, Headquarters, Services of Supply, a memorandum giving the names and addresses of the licensor and licensee and such other pertinent information as is set out in the form contained in paragraph (k) as may be reasonably practical. If the proceedings referred to in clause (2) (i) of paragraph (j) have resulted in a satisfactory adjustment of royalties, without the service of a notice, a report, in triplicate, with respect thereto shall be filed by the supply service with the Director, Purchases Division, Headquarters, Services of Supply.

(n) *Factors to be considered* * * *

(o) *Form of notice.* The following form of notice is approved for use subject to such deviations as may be appropriate in any given case:

Pursuant to the Act of October 31, 1942 (Public Law 768, 77th Congress, 2nd Session), notice is hereby given that the royalties now being paid directly or indirectly by the United States under contracts or subcontracts with or purchases by or for the War

Department (including, without prejudice to the generality of the foregoing language, contract No. ____) are believed to be unreasonable or excessive,

It is understood that these payments are made by virtue of an agreement between _____ as licensee and _____ as licensor. This notice becomes effective upon receipt hereof or five days after the mailing hereof, viz., _____, 194__, whichever date is the earlier.

Under the Act the licensee or the licensor, if he so requests within ten days from and after the effective date of this notice, may within thirty days from the date of such request present in writing or in person any facts or circumstances which may, in his opinion, have a bearing upon the rates or amounts of royalty, if any, to be determined, fixed and specified, all as provided in said Act.

Within a reasonable time after the effective date of this notice an order will be made fixing and specifying the rates or amounts of royalty, if any, which are determined to be fair and just taking into account the conditions of wartime production. Such order will authorize the payment of such rates or amounts of royalty by the licensee to the licensor.

The Act provides that the licensee shall not after the effective date of this notice pay to the licensor, nor charge directly or indirectly to the United States a royalty, if any, in excess of that which may be specified in the order to be hereafter made. Until the making of such order no royalties should be paid on account of the manufacture, use, sale or other disposition for the United States.

The foregoing notice shall be mailed to the last known address of the licensor and the licensee.

(p) *Forwarding of copies of notice.* * * *

(q) *Form of order.* The following form of order is approved for use subject to such deviations as may be appropriate in any given case:

ORDER NO. _____

Adjusting Royalties in connection with Contract No.
Contractor and Address
For:

Whereas, under date of _____, pursuant to the authority contained in the Act of October 31, 1942 (Public Law 768, 77th Cong., 2d Sess.), written notice was given to _____ and _____ that
(Licensor) (Licensee)
the rates or amounts of royalties as set forth in Column 5 of Schedule A,[1] attached hereto and by reference made a part hereof, provision for the payment of which by Licensee to Licensor is evidenced in the manner set out in Column 6 of said Schedule A, and directly or indirectly charged or chargeable to the United States for the manufacture, use, sale or other disposition for the United States, of the inventions set forth in Columns 1, 2, 3, and 4 of said Schedule A,[1] under the terms of the above-identified contract, were believed to be unreasonable or excessive, and that after the date of the receipt of said Notice, or five days after the mailing thereof, whichever date was the earlier, no royalty should be paid by the Licensee to the Licensor, and charged directly or indirectly to the United States, for or on account of the manufacture, use, sale, or other disposition of said invention for the United States, as provided for in said Act; and

Whereas, an opportunity has been afforded Licensor and Licensee to present in writing or in person any facts or circumstances which may, in the opinion of either or both of said parties, having a bearing upon the rates or amounts of royalties hereinafter determined, fixed and specified; and

Whereas, the undersigned, having taken into account the representations of the Licensor and Licensee,[2] the conditions of wartime production and all other considerations which are ordinarily and properly taken into account in determining a fair and just rate or amount of royalty in the premises:

Now, therefore, it is hereby determined, fixed, and specified that a fair and just rate or amount of royalty, to be paid by Licensee to Licensor, after the effective date of said Notice, is that rate or amount set forth in Column 7 of said Schedule A, and payment thereof by the Licensee to the Licensor on account of the manufacture, use, sale or other disposition of the inventions set forth in Columns 1, 2, 3, and 4 of said Schedule A, insofar as such payment is consistent with the provisions of said Act, is hereby authorized.

Dated: _____
Approved: _____
_____
_____
(Director, Purchases Division, Headquarters, Services of Supply)

SCHEDULE A

Column 1	Column 2	Column 3	Column 4	Column 5		Column 6				Column 7	
				Royalty Stipulated prior to date of notice		Instrument in which royalty Stipulated				Fair and Just Royalty	
Title or short description of invention	U. S. patent No.	Application serial No.	Foreign patents	Rate	Amount	Executed	Date rec'd U. S. Pat. Off.	Liber	Page	Rate	Amount

(r) *Submission of order or settlement for approval.* In transmitting to the Director of Purchases for approval the order or the agreement of settlement and compromise referred to in subparagraphs (3) and (4) respectively of paragraph (h), there shall be included, in duplicate, the following:

(1) A statement showing compliance with the requirements of paragraph (j);

(2) A copy of the notice;

(3) A complete statement of any facts or circumstances presented in writing or in person by the licensor or the licensee; and

(4) The facts upon which are based the conclusion that the rates or amounts or royalty fixed in the order are fair and just, or in the case of a settlement, the facts which support the agreement in full settlement and compromise.

(5) A copy of the order or of the agreement of settlement and compromise as the case may be.

(s) *Forwarding of copies of documents.* * * *

(t) *Records of Purchases Division.* From the information contained in the documents herein required to be filed with the Director, Purchases Division, Headquarters, Services of Supply, a card index is prepared. The form of card is as follows:

X-Ref:

Record No.:

CENTRAL FILE

ROYALTY ADJUSTMENT ACT

(Public Law 768, 77th Cong., 2d Sess.)

Licensor (or inventor)_____ Pat. No.: _____
Date: _____
License (or Contractor) _____ App. No.: _____ Date: _____
Invention, Title of_____
Foreign Pat. No. & Country_____
Assignor _____
Assignee_____
Government Contractor _____ Contract No.: _____
Supply Serv. Issuing Notice _____ Date: _____
Rate or Amount of Royalty Prior to Notice _____ Date: _____
Rate or Amount of Royalty fixed by Order _____ Date: _____
Request for Hearing _____ Date:_____
Total amount of Royalty_____
Settlement Agreement_____
Contract Item_____
Contract Price_____

It is recommended that the supply services, in filing with the Director, Purchases Division, Headquarters, Services of Supply, the documents herein required to be filed, shall cause to be disclosed in the documents filed so far as reasonably practicable the information necessary to complete the above form.

Article 6 of the contract form in § 81.1320 is amended as follows:

§ 81.1320 *W.D. Contract Form No. 20.* * * *

ART. 6. On the unliquidated balance of the advance payments outstanding, the Contractor agrees to pay interest at the rate of two and one-half percent (2½%) per annum. Such interest shall be computed at the end of each calendar month on the average daily balance of the principal of the unliquidated advance payments outstanding. In determining such balance, charges on account of the advance payments to the Contractor hereunder shall be made as of the dates of the checks therefor; credits arising from deductions from payments to the Contractor under the principal contract or principal contracts shall be made, upon the issue of the check for such payment, as of the dates of shipment as indicated on the Contractor's invoice and/or Government Receiving Report, and credits arising from cash repayments to the Government by the Contractor shall be made as of the dates the checks therefor are received by the disbursing officer. As soon as such monthly computations shall have been

[1] Schedule A follows preceding paragraph (r).

[2] Strike out inapplicable portions.

made, the interest so determined shall be deducted from the payments otherwise due the Contractor under this contract, *Provided, however,* That in no event shall deductions on account of interest exceed five percent (5%) of the gross payment due the Contractor prior to any deduction under this Article or Article 5 or any other provisions of this contract. In the event the accrued interest exceeds such five percent, the excess of such interest shall be carried forward and deducted from subsequent payments. The interest shall not be compounded, and shall, subject to the provisions of Article 4 hereof, cease to accrue upon the termination of the contract for other than the fault of the Contractor, or upon the date found by the Contracting Officer to be the date upon which the Contractor completed his performance under the contract.

* * * * *

In § 81.1321 Article 9 of the contract form is redesignated Article 10 and a new Article 9 is added as follows:

§ 81.1321 *W.D. Contract Form No. 21.* * * *

ART. 9. Any assignment of moneys due or to become due under this contract shall be subordinate to the rights or claims of the Government arising under this contract or any amendment thereto by virtue of any advance payments authorized herein or otherwise: *Provided,* That, if at any time any claim arising under this contract is assigned or purportedly assigned in any manner inconsistent with the said rights of the Government, the _____ or his duly authorized representative shall have the right to suspend further advance payments without notice.

ART. 10. Except as hereby amended, all the terms and conditions of the contract affected shall remain unmodified and * * *

In § 81.1324 Article 8 of the contract form is redesignated Article 9 and a new Article 8 is added as follows:

ART. 8. Any assignment of moneys due or to become due under this contract shall be subordinate to the rights or claims of the Government arising under this contract or any amendment thereto by virtue of any advance payments authorized herein or otherwise: *Provided,* That, if at any time any claim arising under this contract is assigned or purportedly assigned in any manner inconsistent with the said rights of the Government, the _____ or his duly authorized representative shall have the right to suspend further advance payments without notice.

ART. 9. Except as hereby amended, all the terms and conditions of the Contractor affected shall remain unmodified and * * *

PART 83—DISPOSITION OF SURPLUS AND UNSERVICEABLE PROPERTY

Disposition of Property—General

Section 83.702 is amended as follows:

§ 83.702 *Real property.* This Procurement Regulation No. 7 does not relate to the disposition of real property which is governed by AR 100–63. The term property as hereinafter used in this Procurement Regulation No. 7 means all property other than real property.

Disposition of Serviceable Property Not Declared Surplus

In § 83.707 paragraph (c) is amended and paragraphs (d) and (e) are added as follows:

§ 83.707 *Disposition under contracts or agreements executed under First War Powers Act.* * * *

(c) *Other sales and leases.* In addition to the contracts of sale and agreements of lease specifically authorized by paragraphs (a) and (b) of this section, the chiefs of the supply services are authorized by negotiation to enter into any other agreements for the disposition of property (whether by sale, lease or otherwise, and with or without options to purchase) authorized by the First War Powers Act and Executive Order No. 9001 provided that the approval of the Director, Purchases Division, Headquarters, Services of Supply, is first obtained.

(d) *"Covenant Against Contingent Fees" clause.* All contracts and agreements authorized by the foregoing provisions of this section will contain a "Disputes Clause" (§ 81.326), an "Officials Not to Benefit" Clause (§ 81.322) and a "Covenant Against Contingent Fees." The latter clause will read as follows:

The purchaser warrants that he has not employed any person to solicit or secure this contract upon any agreement for a commission, percentage, brokerage, or contingent fee. Breach of this warranty shall give the Government the right to annul the contract. This warranty shall not apply to commissions payable by contractors upon contracts of sale secured or made through bona fide commercial or selling agencies retained by the purchaser for the purpose of securing business.

(e) *Disposition by contractors.* If a contract or agreement to sell or lease Government-owned property is authorized under this section and such property is in the custody of a contractor, directions may be given to the contractor to enter into such a contract or agreement in the name of and on behalf of the Government as contemplated by the standard contract clause contained in § 81.360. No such directions shall be given unless it is understood that the contractor will insert in such contract or agreement the standard clauses required by paragraph (d) of this section.

(Sec. 5a, National Defense Act, as amended, 41 Stat. 764, 54 Stat. 1225; 10 U.S.C. 1193–1195, and the First War Powers Act 1941, 55 Stat. 838, 50 U.S.C. Sup. 601–622.)

[SEAL] H. B. LEWIS,
Brigadier General,
Acting The Adjutant General.

[F. R. Doc. 43–4168; Filed, March 18, 1943; 10:06 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration

[Docket No. FDC–21]

PART 15—WHEAT FLOUR AND RELATED PRODUCTS; DEFINITIONS AND STANDARDS OF IDENTITY

EFFECTIVE DATE OF INGREDIENT RIBOFLAVIN

In the matter of a definition and standard of identity for each of the following foods: Enriched flour, enriched bromated flour, enriched self-rising flour and enriched farina. Order further postponing effective date of requirement of the ingredient riboflavin.

The Acting Federal Security Administrator, by an order dated May 26, 1941, to become effective January 1, 1942, which was published in the FEDERAL REGISTER for May 27, 1941, made public his action promulgating regulations fixing and establishing definitions and standards of identity for the enriched foods named in the caption hereof. (21 CFR §§ 15.010, 15.030, 15.060, and 15.140; 6 F.R. 2574–2582).

Each of said regulations requires that the food for which a definition and standard of identity is established thereby contain, among other ingredients, in each pound thereof not less than 1.2 milligrams of riboflavin.

The requirement that riboflavin be an ingredient of such enriched foods was postponed to July 1, 1942, and again to April 20, 1943, when it appeared that the supply of riboflavin, in forms suitable for addition to such foods, would not be sufficient to meet demands therefor prior to those dates. (6 F.R. 6175, 7 F.R. 3055)

In this issue of the FEDERAL REGISTER a hearing is announced for the purpose of receiving testimony upon the basis of which a determination can be reached as to whether amendments should be made to the definitions and standards of identity for such enriched foods.[1]

It is ordered, That the effective date of the requirements that each pound of enriched flour, enriched bromated flour, enriched self-rising flour, and enriched farina contain not less than 1.2 milligrams of riboflavin be further postponed until such effective date as is announced in the final order issued after such hearing.

(Sec. 701, 52 Stat. 1055; 21 U.S.C. 371)

[SEAL] WATSON B. MILLER,
Acting Administrator.

MARCH 17, 1943.

[F. R. Doc. 43–4178; Filed, March 18, 1943; 11:06 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket Nos. A–1751 and A–1755]

PART 322—MINIMUM PRICE SCHEDULE, DISTRICT NO. 2

NOTICE CORRECTING ERROR

Notice correcting error in reproductions of supplement to order in the matter of the petitions of District No. 2 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 2.

It appears that the reproduction of a schedule designated as Supplement R–I, § 322.7 (*Alphabetical list of code members*) attached to and made a part of an order in the above-entitled matter on December 15, 1942, 7 F.R. 11054, erroneously show the coals produced by The Buckeye Coal Co. at the London Mine,

[1] *Infra.*

Mine Index No. 3033, as having an "O" classification in Size Group 5, whereas the original of said Supplement R shows said coals as having a "G" classification in Size Group 5.

Notice is hereby given that "G" is the proper classification rather than "O" in said reproductions.

Dated: March 16, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-4176; Filed, March 18, 1943; 10:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Director General for Operations

AUTHORITY: Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec 2 (a), Pub. Law 671, 76th Cong., as amended by Pub Laws 89 and 507, 77th Cong.

PART 1010—SUSPENSION ORDERS

[Revocation of Suspension Order S-204]

LOMBARD IRON WORKS

The Lombard Iron Works, Augusta, Georgia, has appealed from the provisions of Suspension Order No. S-204, issued January 16, 1943. This order, subjecting the company to the continuous control and supervision of the War Production Board for three months, was issued because of the lack of responsibility on the part of the management and the consequent failure of the company to comply with the applicable regulations governing the distribution of raw materials. In its appeal the Lombard Iron Works has shown that these conditions have now been rectified.

In view of the foregoing facts, § 1010.204, Suspension Order S-204, issued January 16, 1943, is hereby revoked, effective immediately.

Issued this 17th day of March 1943.

CURTIS E. CALDER, *Director General for Operations.*

[F. R. Doc. 43-4157; Filed, March 17, 1943; 1:38 p. m.]

PART 1238—MEN'S AND BOYS' APPAREL FOR MASCULINE LOUNGING WEAR AND CERTAIN OTHER GARMENTS

[Limitation Order L-130 as Amended March 18, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of wool, silk; rayon, cotton, linen and other materials for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1238.1 *General Limitation Order L-130*—(a) *Definitions.* For the purpose of this order:

(1) "Boys'" means sizes 2, 4, 6, 8, 10, 12, 14, 16, 18 and 20.

(2) "Men's" means sizes small, medium, large and extra large.

(3) "Wool cloth" means any cloth containing any percentage of new wool, reprocessed wool or reused wool.

(4) "Masculine lounging wear" means men's and boys' robes, bathrobes and beachcoats.

(5) "Put into process" means the first cutting of cloth in the manufacture of any lounging wear for sale, resale, or on commission, including but not being limited to, cutting by the following: manufacturers to the trade, tailors, and home dressmakers.

(6) Measurements—Particular measurements set forth in this order shall refer to finished measurements after all manufacturing operations have been completed and the garment is ready for shipment, as follows:

(i) All measurements for length of robes, bathrobes and beachcoats for all sizes and ranges are to be made from nape of neck to bottom of finished garment. No garment shall exceed its maximum length at any point in its circumference.

(7) "Sweep" means maximum circumference of the garment.

(8) Unless otherwise expressly defined, all trade terms shall have their usual trade meaning.

(b) *Provisions with respect to finished garments, manufacture and sale of articles of masculine lounging wear.* Except as provided in paragraph (c), no person shall put into process or cause to be put into process by others for his account any cloth for the manufacture of, or sell, or deliver any masculine lounging wear:

(1) [Revoked January 20, 1943.]

(2) With another garment or article at a unit price.

(3) With more than one pocket.

(4) With a cuff, including any type of simulated cuff.

(5) Exceeding measurements of the following tables:

Maximum Measurements for Men's and Boys' Robes and Beachcoats

SCHEDULE A

	Men's sizes			
	Small	Medium	Large	Extra large
Length	47	49	51	52
Sweep	57	61	65	69
Hem	1	1	1	1

	Boys' sizes									
	2	4	6	8	10	12	14	16	18	20
Length	26	28	30½	35	38	42	43	45	47	48
Sweep	38	40	41	44	47	50	52	54	56	58
Hem	1	1	1	1	1	1	1	1	1	1

(c) *General exceptions.* The prohibitions and restrictions of this order shall not apply to lounging wear:

(1) When manufactured or sold for use as:

(i) Infants' and toddlers' size ranges 1 to 3;

(ii) Lounging wear for persons who, because of unusual height, abnormal size, or physical deformities, requires measurements exceeding maximum measurements of Schedule A, paragraph (b) (5) for proportionate length of sweep: *Provided, however,* That the prohibitions of paragraphs (b) (2), (3) and (4) shall nevertheless apply to such lounging wear;

(iii) Historical costumes for theatrical productions; provided, however, that no masculine lounging wear manufactured or sold pursuant to this subparagraph shall be used for any purposes other than those for which it was so manufactured or sold, unless altered to conform to the provisions of this order.

(2) When manufactured for or sold to the Army of the United States, the United States Navy or the United States Maritime Commission.

(3) When manufactured in foreign countries and imported and received in customs in the United States prior to October 1, 1942.

(4) If put into process prior to August 29, 1942.

(d) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of cloth conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the War Production Board by letter or telegram, Reference: L-130, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(e) *Certificate.* No person who has heretofore or shall after August 29, 1942 put into process or cause to be put into process by others for his account any masculine lounging wear, shall after August 29, 1942 sell such lounging wear without furnishing to his purchaser, other than an ultimate consumer, a certification, and no such purchaser shall accept delivery of such lounging wear without a certification signed by an individual duly authorized to sign for such person, in substantially the following form:

The undersigned hereby certifies to his purchaser and the War Production Board that the masculine lounging wear covered by his invoice No. dated has been manufactured or sold in accordance with the curtailments and exceptions of General Limitation Order No. L-130.

(f) *Reports and records.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as may be required by said Board from time to time. The certificate required under paragraph (e) shall be retained by the vendee for a period of one year after receipt.

(g) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 18th day of March 1943.

CURTIS E. CALDER,
Director General for Operations.

[F. R. Doc. 43-4211; Filed, March 18, 1943; 11:56 a. m.]

Chapter XI—Office of Price Administration

PART 1499—COMMODITIES AND SERVICES

[SR 14 [1] to GMPR,[2] Amendment 134]

FLUID MILK AND CREAM

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Supplementary Regulation 14 to the General Maximum Price Regulation is amended in the following respects:

1. Inferior subdivision (*a*) of subdivision (i) of § 1499.73 (a) (1) is amended to read as follows:

§ 1499.73 *Modification of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services, and transactions.* (a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services, and transactions listed below are modified as hereinafter provided:

(1) *Fluid milk and cream*—(i) *Maximum prices for fluid milk sold at retail in specified localities.* The maximum price of fluid milk sold and delivered at retail, in the localities set forth below, shall be the seller's maximum price as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation, or the applicable adjusted maximum price specified in the schedule set forth below, whichever is higher [3]: *Provided,* That where the adjusted maximum price is expressed as "plus" a specified amount, the amount specified is to be added to the seller's maximum price as determined under said § 1499.2.

(*a*) New York Metropolitan area.[4]

Boroughs of Manhattan, Bronx, Brooklyn and Queens

(1) *Out-of-store sales and home-deliveries [except retail sales, by hotels, restaurants, and other eating establishments for consumption on the premises].*[5]

Special type	Grade	Type of delivery	Container size	Type of container	Adjusted maximum price (cents)
Standard	Approved	Out of store	Quart	Glass	14
	Approved	To the home	Quart	Glass	17½
	Approved	Out of store	Quart	Paper	15
	Approved	To the home	½ gallon	Glass	34
Homogenized, Vitamin D, or Homogenized-Vitamin D.	Approved	Out of store	Quart	Glass	15
	Approved	To the home	Quart	Glass	18½
	Approved	To the home	½ gallon	Glass	36
	Approved	Out of store	Quart	Paper	16

Special or premium milk and buttermilk [including, but not limited to, Certified, Guernsey, skim milk, and chocolate milk] other than homogenized, Vitamin D, and homogenized-Vitamin D. The seller shall adjust his maximum retail price, as determined under the foregoing table, by the amount of his absolute differential in March 1942 between the price for standard fluid milk and the special or premium milk or buttermilk sold in the same type and size of container: *Provided, however,* That for sales in paper containers, the retailer may in any event charge 1¢ per quart more than his adjusted maximum price for the same special or premium milk or buttermilk sold in bottles.

(2) *Retail sales by hotels, restaurants, and other eating establishments for consumption on the premises.* For sales of standard, special or premium milk or buttermilk by hotels, restaurants, or other eating establishments for consumption on the premises, the seller may add to his established maximum price for such sales, as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation, 1¢ for pints, ½ pints, or ⅓ quarts in either glass or paper containers.

(3) *Other retail sales.* For retail sales other than out-of-store sales, home-deliveries, sales by hotels, restaurants, and other eating establishments for consumption on the premises, and sales to institutions and Government agencies, the seller may add to his maximum retail price to such purchasers, as determined under Section 1499.2, General Provisions, of the General Maximum Price Regulation, an amount proportionate to the increase since March 1942 in his retail home-delivered or out-of-store ceiling price for the same milk in the same type and size of container resulting from the specific maximum prices listed in the foregoing table, subject to applicable customary discounts and allowances.

Westchester, Richmond, and Nassau Counties

(1) *Out-of-store sales and home-deliveries [except retail sales by hotels, restaurants, and other eating establishments for consumption on the premises]*[6]

Special type	Grade	Type of delivery	Container size	Type of container	Adjusted maximum price (cents)
Standard	Approved	Out of store	Quart	Glass	15
	Approved	Out of store	Quart	Paper	16
	Approved	To the home	Quart	Glass	17½
	Approved	To the home	½ gallon	Glass	34
Homogenized, Vitamin D, or Homogenized-Vitamin D.	Approved	Out of store	Quart	Glass	16
	Approved	Out of store	Quart	Paper	17
	Approved	To the home	Quart	Glass	18½
	Approved	To the home	½ gallon	Glass	36

Special or premium milk and buttermilk [including, but not limited to, Certified, Guernsey, skim milk, and chocolate milk] other than homogenized, Vitamin D, and homogenized-Vitamin D. The seller shall adjust his maximum retail price, as determined under the foregoing table, by the amount of his absolute differential in March 1942 between the price for standard fluid milk and the special or premium milk or buttermilk sold in the same type and size of container: *Provided, however,* That for sales in paper containers, the retailer may in any event charge 1¢ per quart more than his ad-

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 5486, 5709, 5911, 6008, 6271, 6369, 6473, 6477, 6774, 6775, 6776, 6887, 6892, 6939, 6965, 7011 7012, 7203, 7250, 7289, 7365, 7400, 7401, 7453, 7510, 7511, 7535, 7536, 7538, 7604 7671, 7739, 7812, 7914, 7946, 8024, 8199, 8237, 8351, 8358, 8524, 8652, 8707, 8881, 8899, 8950, 8953, 8954, 8955, 9043, 9082, 9131, 9196, 9391, 9397, 9495, 9496, 9639, 9786, 9900, 9901, 10022, 10069, 10111, 10151, 10231, 10294, 10346, 10381, 10480, 10537, 10557, 10583, 10705, 10865 11005; 8 F.R. 276, 439, 494, 535, 589, 863, 1139, 876, 878, 980, 1030, 1121, 1142, 1279, 1383, 1589, 1590, 1455, 1460, 1467, 1633, 1813, 1894, 1895, 1978, 2035, 2041, 2157.

[2] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5192, 5276, 5365, 5445, 5484, 5565, 5575, 5783, 5784, 6007, 6058, 6081, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 8942, 9004, 9435, 9615, 9616, 9732, 10155, 10454; 8 F.R. 371, 1204, 1317, 2029, 2110.

[3] This pricing formula is not applicable to certain retail sales in the New York Metropolitan, Memphis, Tennessee, and Chicago, Illinois area under inferior subdivisions (*a*), (*n*), and (*p*) below. Specific maximum prices listed supersede entirely the seller's ceiling prices as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation.

[4] Specific maximum prices listed supersede entirely the retailer's ceiling price as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation.

[5] *Calculations.* In the case of single unit sales at retail, any maximum price resulting in a fraction of a cent must be reduced to the lowest even cent if the fraction is less than ½¢, and may be increased to the nearest higher even cent if the fraction is ½¢ or more. Home-deliveries shall be considered multiple unit sales unless separate collections are made for single units delivered.

[6] See footnote [5] *infra.*

justed maximum price for the same special or premium milk or buttermilk sold in bottles.

(2) *Retail sales by hotels, restaurants, and other eating establishments for consumption on the premises.* For sales of standard, special or premium milk or buttermilk by hotels, restaurants, or other eating establishments for consumption on the premises, the seller may add to his established maximum price for such sales. as determined under Section 1499.2, General Provisions, of the General Maximum Price Regulation, 1¢ for pints, ½ pints, or ⅓ quarts, in either glass or paper containers.

(3) *Other retail sales.* For retail sales other than out-of-store sales, home-deliveries, sales by hotels, restaurants, and other eating establishments for consumption on the premises, and sales to institutions and Government agencies, the seller may add to his maximum retail price to such purchasers, as determined under Section 1499.2, General Provisions, of the General Maximum Price Regulation, an amount proportionate to the increase since March 1942 in his retail home-delivered or out-of-store ceiling price for the same milk in the same type and size of container resulting from the specific maximum prices listed in the foregoing table, subject to applicable customary discounts and allowances.

Suffolk County

(1) *Out-of-store sales and home-deliveries [except retail sales by hotels, restaurants, and other eating establishments for consumption on the premises]*[1]

Special type	Grade	Type of delivery	Container size	Type of container	Adjusted maximum price (cents)
Standard	Approved	Out of store	Quart	Glass	16
	Approved	Out of store	Quart	Paper	17
	Approved	To the home	Quart	Glass	18½
	Approved	To the home	½ gallon	Glass	36
Homogenized, Vitamin D, or Homogenized-Vitamin D.	Approved	Out of store	Quart	Glass	17
	Approved	Out of store	Quart	Paper	18
	Approved	To the home	Quart	Glass	19½
	Approved	To the home	½ gallon	Glass	38

Special or premium milk and buttermilk [including, but not limited to, Certified, Guernsey, skim milk, and chocolate milk] other than homogenized, Vitamin D, and homogenized-Vitamin D. The seller shall adjust his maximum retail price, as determined under the foregoing table, by the amount of his absolute differential in March 1942 between the price for standard fluid milk and the special or premium milk or buttermilk sold in the same type and size of container: *Provided, however,* That for sales in paper containers, the retailer may in any event charge 1¢ per quart more than his adjusted maximum price for the same special or premium milk or buttermilk sold in bottles.

(2) *Retail sales by hotels, restaurants, and other eating establishments for consumption on the premises.* For sales of standard, special or premium milk or buttermilk by hotels, restaurants, or other eating establishments for consumption on the premises, the seller may add to his established maximum price for such sales, as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation, 1¢ for pints, ½ pints, or ⅓ quarts, in either glass or paper containers.

(3) *Other retail sales.* For retail sales other than out-of-store sales, home-deliveries, sales by hotels, restaurants, and other eating establishments for consumption on the premises, and sales to institutions and Government agencies, the seller may add to his maximum retail price to such purchasers, as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation, an amount proportionate to the increase since March 1942 in his retail home-delivered or out-of-store ceiling price for the same milk in the same type and size of container resulting from the specific maximum prices listed in the foregoing table, subject to applicable customary discounts and allowances.

2. Inferior subdivision (*h*) of subdivision (ii) of § 1499.73 (a) (1) is amended to read as follows:

[1] See Footnote 5 infra.

(ii) *Maximum prices for fluid milk sold at wholesale in specified localities.* The maximum price of fluid milk sold and delivered at wholesale, in the localities set forth below, shall be the seller's maximum price as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation, or the applicable adjusted maximum price specified in the schedule set forth below, whichever is higher:[8] *Provided,* That where the adjusted maximum price is expressed as "plus" a specified amount, the amount specified is to be added to the seller's maximum price as determined under said § 1499.2.

(*h*) New York metropolitan area.[9]

Boroughs of Manhattan, Bronx, Brooklyn and Queens

(1) *Sales at wholesale to stores.*

Special type	Grade	Container size	Type of container	Adjusted maximum price (cents)
Standard	Approved	Quart	Glass	12½
	Approved	Quart	Paper	13½
Homogenized, Vitamin D, and homogenized-Vitamin D.	Approved	Quart	Glass	13½
	Approved	Quart	Paper	14½

Exception: The seller may add ½¢ per quart to the foreging listed specific maximum prices for the sale and delivery of less than 12 quarts of fluid milk on any one day.

Special or premium milk and buttermilk [including, but not limited to, Certified, Guernsey, skim milk, and chocolate milk] other than homogenized, Vitamin D, and homogenized-Vitamin D. The seller shall adjust his maximum wholesale price for sales to stores, as determined under the foregoing table, by the amount of his absolute differential in March 1942 between the price for standard fluid milk and the special or premium milk or buttermilk sold in the same type and size of container, subject to applicable customary discounts and allowances: *Provided, however,* That for sales in paper containers, the seller may in any event charge 1¢ per quart more than his adjusted maximum price for the same special or premium milk or buttermilk sold in bottles.

(2) *Sales at wholesale to hotels, restaurants, and other eating establishments.*

Special type	Grade	Container size	Type of container	Adjusted maximum price (cents)
Standard	Approved	Quart	Glass	13½
	Approved	Quart	Paper	14½
	Approved	Pint	Glass	9
	Approved	Pint	Paper	9½
	Approved	½ pint	Glass	5
	Approved	½ pint	Paper	5¼
	Approved	8 to 40 quarts	Can	[1] 12
Homogenized, Vitamin D, and Homogenized-Vitamin D.	Approved	Quart	Glass	14½
	Approved	Quart	Paper	15½
	Approved	Pint	Glass	9½
	Approved	Pint	Paper	10
	Approved	½ pint	Glass	5¼
	Approved	½ pint	Paper	5¼
	Approved	8 to 40 quarts	Can	[1] 13

[1] Per quart.

Exception. The seller may add ½¢ per quart to the foregoing listed specific maximum prices for the sale and delivery of less than 12 quarts of fluid milk on any one day.

Special or premium milk and buttermilk [including, but not limited to, Certified, Guernsey, skim milk, and chocolate milk] other than homogenized, Vitamin D, and homogenized-Vitamin D. The seller shall adjust his maximum wholesale price for sales to stores, as determined under the

[8] This pricing formula is not applicable to certain sales at wholesale in the New York Metropolitan, Memphis, Tennessee, and Chicago, Illinois areas under inferior subdivisions (*h*), (*n*), and (*p*) below. Specific maximum prices listed supersede entirely the seller's ceiling prices as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation.

[9] The specific listed maximum prices supersede entirely the seller's ceiling prices, as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation.

foregoing table by the amount of his absolute differential in March 1942 between the price for standard fluid milk and the special or premium milk or buttermilk sold in the same type and size of container, subject to applicable customary discounts and allowances: *Provided, however,* That for sales in paper containers, the seller may in any event charge 1¢ per quart more than his adjusted maximum price for the same special or premium milk or buttermilk sold in bottles.

⅓ quart container sizes. The seller shall adjust his maximum wholesale price for ⅓ quart container sizes sold to hotels, restaurants, and other eating establishments, as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation, by an amount proportionate to the increase in his ceiling price for the same type of milk in quart container sizes as a result of the specific maximum prices listed in the foregoing table.

(A) *Sales at wholesale to combination store-eating establishments [including, but not limited to, delicatessens, milk bars, and soda fountains].* As to places of business combining the functions of retail store-outlets with those of an eating establishment selling fluid milk for consumption on the premises, the foregoing maximum wholesale prices for pints, ½ pints, and ⅓ quarts shall also apply to their purchases. As to wholesale sales of quart container sizes to such combination store-eating establishments, the maximum price shall be the ceiling price for sales to stores, and the maximum wholesale price for quarts sold to hotels and restaurants shall not be applicable to them.

(B) *Sales of milk with dispenser apparatus.* Where a dispenser apparatus is furnished the buyer as a part of the transaction for the purchase of milk, the seller may add ¾¢ per quart to the specific maximum price for bulk milk listed in the foregoing table.

(3) *Sales to institutions [whether wholesale or retail].*

Special type	Grade	Container size	Type of container	Adjusted maximum price (cents)
Standard	Approved	Quart	Glass	12½
	Approved	Quart	Paper	13½
	Approved	Pint	Glass	8½
	Approved	Pint	Paper	9
	Approved	½ pint	Glass	4¾
	Approved	½ pint	Paper	5
	Approved	8 to 40 quarts	Can	[1] 11½
Homogenized, Vitamin D, and Homogenized-Vitamin D.	Approved	Quart	Glass	13½
	Approved	Quart	Paper	14½
	Approved	Pint	Glass	9
	Approved	Pint	Paper	9½
	Approved	½ pint	Glass	5
	Approved	½ pint	Paper	5¼
	Approved	8 to 40 quarts	Can	[1] 12½

[1] Per quart.

Exception: The seller may add ½¢ per quart to the foregoing listed specific maximum prices for the sale and delivery of less than 12 quarts of fluid milk on any one day.

Special or premium milk and buttermilk [including, but not limited to, Certified, Guernsey, skim milk, and chocolate milk] other than homogenized, Vitamin D, and homogenized-Vitamin D. The seller shall adjust his maximum wholesale price for sales to stores, as determined under the foregoing table, by the amount of his absolute differential in March 1942 between the price for standard fluid milk and the special or premium milk or buttermilk sold in the same type and size of container, subject to applicable customary discounts and allowances: *Provided, however,* That for sales in paper containers, the seller may in any event charge 1¢ per quart more than his adjusted maximum price for the same special or premium milk or buttermilk sold in bottles.

⅓ quart container sizes. The seller shall adjust his maximum wholesale price for ⅓ quart container sizes sold to institutions as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation, by an amount proportionate to the increase in his ceiling price the same type of milk in quart container sizes as a result of the specific maximum prices listed in the foregoing table.

(4) *Sales to Government agencies or subdivisions [whether wholesale or retail].*

Special type	Grade	Container size	Type of container	Adjusted maximum price (cents)
Standard	Approved	Quart	Glass	11¾
	Approved	Quart	Paper	12¾
	Approved	Pint	Glass	7¾
	Approved	Pint	Paper	8¼
	Approved	½ Pint	Glass	4½
	Approved	½ Pint	Paper	4¾
	Approved	8 to 40 quarts	Can	[1] 10¾
Homogenized, Vitamin D, and Homogenized-Vitamin D.	Approved	Quart	Glass	12¾
	Approved	Quart	Paper	13¾
	Approved	Pint	Glass	8¼
	Approved	Pint	Paper	8¾
	Approved	½ Pint	Glass	4¾
	Approved	½ Pint	Paper	5
	Approved	8 to 40 quarts	Can	[1] 11¾

[1] Per quart.

Exception: The seller may add ½¢ per quart to the foregoing listed specific maximum prices for the sale and delivery of less than 12 quarts of fluid milk on any one day.

Special or premium milk and buttermilk [including, but not limited to, Certified, Guernsey, skim milk, and chocolate milk] other than homogenized, Vitamin D, and homogenized-Vitamin D. The seller shall adjust his maximum wholesale price for sales to stores, as determined under the foregoing table, by the amount of his absolute differential in March 1942 between the price for standard fluid milk and the special or premium milk or buttermilk sold in the same type and size of container, subject to applicable customary discounts and allowances: *Provided, however,* That for sales in paper containers, the seller may in any event charge 1¢ per quart more than his adjusted maximum price for the same special or premium milk or buttermilk sold in bottles.

⅓ quart container sizes. The seller shall adjust his maximum wholesale price for ⅓ quart container sizes sold to government agencies or subdivisions, as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation by an amount proportionate to the increase in his ceiling price for the same type of milk in quart container sizes as a result of the specific maximum prices listed in the ofregoing table.

(5) *Sales at wholesale to vendors or subdealers.* The seller's maximum wholesale price for sales to vendors or subdealers, i. e. fluid milk distributors who do not operate pasteurizing plants, regardless of whether they operate milk depots, shall be his established maximum price, as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation, *plus* 1¼¢ per quart, or a proportionate amount for a part of a quart, for sales in any size or type of container.

(6) *Other sales at wholesale.* The seller may add 1¢ per quart, or a proportionate amount for a part of a quart, to his established maximum price, as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation, for sales at wholesale to purchasers other than stores, hotels, restaurants, and other eating establishments, institutions, Government agencies or subdivisions, and vendors or subdealers.

Westchester, Richmond, and Nassau Counties

(1) *Sales at wholesale to stores.*

Special type	Grade	Container size	Type of container	Adjusted maximum price (cents)
Standard	Approved	Quart	Glass	13½
	Approved	Quart	Paper	14½
Homogenized, Vitamin D	Approved	Quart	Glass	14½
	Approved	Quart	Paper	15½

Exception: The seller may add ½¢ per quart to the foregoing listed specific maximum prices for the sale and delivery of less than 12 quarts of fluid milk on any one day.

Special or premium milk and buttermilk [including, but not limited to, Certified, Guernsey, skim milk, and chocolate milk] other than homogenized, Vitamin D, and

homogenized-Vitamin D. The seller shall adjust his maximum wholesale price for sales to stores, as determined under the foregoing table, by the amount of his absolute differential in March 1942, between the price for standard fluid milk and the special or premium milk or buttermilk sold in the same type and size of container, subject to applicable customary discounts and allowances: *Provided, however,* That for sales in paper containers, the seller may in any event charge 1¢ per quart more than his adjusted maximum price for the same special or premium milk or buttermilk sold in bottles.

(2) *Sales at wholesale to hotels, restaurants, and other eating establishments.*

Special type	Grade	Container size	Type of container	Adjusted maximum price (cents)
Standard	Approved	Quart	Glass	14
	Approved	Quart	Paper	15
	Approved	Pint	Glass	9
	Approved	Pint	Paper	9½
	Approved	½ pint	Glass	5
	Approved	½ pint	Paper	5¼
	Approved	8 to 40 quarts	Can	[1] 13
Homogenized, Vitamin D, and homogenized-Vitamin D.	Approved	Quart	Glass	15
	Approved	Quart	Paper	16
	Approved	Pint	Glass	9½
	Approved	Pint	Paper	10
	Approved	½ pint	Glass	5¼
	Approved	½ pint	Paper	5½
	Approved	8 to 40 quarts	Can	[1] 14

[1] Per quart.

Exception: The seller may add ½¢ per quart to the foregoing listed specific maximum prices for the sale and delivery of less than 12 quarts of fluid milk on any one day.

Special or premium milk and buttermilk [including, but not limited to, Certified, Guernsey, skim milk, and chocolate milk] other than homogenized, Vitamin D, and homogenized-Vitamin D. The seller shall adjust his maximum wholesale price for sales, as determined under the foregoing table, by the amount of his absolute differential in March 1942 between the price for standard fluid milk and the special or premium milk or buttermilk sold in the same type and size of container, subject to applicable customary discounts and allowances: *Provided, however,* That for sales in paper containers, the seller may in any event charge 1¢ per quart more than his adjusted maximum price for the same special or premium milk or buttermilk sold in bottles.

⅓ *quart container sizes.* The seller shall adjust his maximum wholesale price for ⅓ quart container sizes sold to hotels, restaurants, and other eating establishments, as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation, by an amount proportionate to the increase in his ceiling price for the same type of milk in quart container sizes as a result of the specific maximum prices listed in the foregoing table.

(A) *Sales at wholesale to combination store-eating establishments [including, but not limited to, delicatessens, milk bars, and soda fountains].* As to places of business combining the functions of retail store-outlets with those of an eating establishment selling fluid milk for consumption on the premises, the foregoing maximum wholesale prices for pints, ½ pints, and ⅓ quarts shall also apply to their purchases. As to wholesale sales of quart container sizes to such combination store-eating establishments, the maximum price shall be the ceiling price for sales to stores, and the maximum wholesale price for quarts sold to hotels and restaurants shall not be applicable to them.

(B) *Sales of milk with dispenser apparatus.* Where a dispenser apparatus is furnished the buyer as a part of the transaction for the purchase of milk, the seller may add ¾¢ per quart to the specific maximum price for bulk milk listed in the foregoing table.

(3) *Sales to institutions [whether wholesale or retail].*

Special type	Grade	Container size	Type of container	Adjusted maximum price (cents)
Standard	Approved	Quart	Glass	13
	Approved	Quart	Paper	14
	Approved	Pint	Glass	8½
	Approved	Pint	Paper	9
	Approved	½ pint	Glass	5
	Approved	½ pint	Paper	5¼
	Approved	8 to 40 quarts	Can	[1] 12
Homogenized, Vitamin D, and homogenized—Vitamin D.	Approved	Quart	Glass	14
	Approved	Quart	Paper	15
	Approved	Pint	Glass	9
	Approved	Pint	Paper	9½
	Approved	½ pint	Glass	5¼
	Approved	½ pint	Paper	5½
	Approved	8 to 40 quarts	Can	[1] 13

[1] Per quart.

Exception. The seller may add ½¢ per quart to the foregoing listed specific maximum prices for the sale and delivery of less than 12 quarts of fluid milk on any one day.

Special or premium milk and buttermilk [including, but not limited to, Certified Guernsey, skim milk, and chocolate milk] other than homogenized, Vitamin D, and homogenized-Vitamin D. The seller shall adjust his maximum wholesale price for sales, as determined under the foregoing table, by the amount of his absolute differential in March 1942 between the price for standard fluid milk and the special or premium milk or buttermilk sold in the same type and size of container, subject to applicable customary discounts and allowances: *Provided, however,* That for sales in paper containers, the seller may in any event charge 1¢ per quart more than his adjusted maximum price for the same special or premium milk or buttermilk sold in bottles.

⅓ *quart container sizes.* The seller shall adjust his maximum wholesale price for ⅓ quart container sizes sold to institutions, as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation, by an amount proportionate to the increase in his ceiling price for the same type of milk in quart container sizes as a result of the specific maximum prices listed in the foregoing table.

(4) *Sales to Government agencies or subdivisions [whether wholesale or retail].*

Special type	Grade	Container size	Type of container	Adjusted maximum price (cents)
Standard	Approved	Quart	Glass	12¼
	Approved	Quart	Paper	13¾
	Approved	Pint	Glass	8
	Approved	Pint	Paper	8½
	Approved	⅓ Pint	Glass	4¾
	Approved	½ Pint	Paper	5
	Approved	8 to 40 qts.	Can	[1] 11¼
Homogenized, Vitamin D, or homogenized—Vitamin D.	Approved	Quart	Glass	13¼
	Approved	Quart	Paper	14¾
	Approved	Pint	Glass	8½
	Approved	Pint	Paper	9
	Approved	⅓ Pint	Glass	5
	Approved	½ Pint	Paper	5¼
	Approved	8 to 40 qts.	Can	[1] 12¼

[1] Per quart.

Exception. The seller may add ½¢ per quart to the foregoing listed specific maximum prices for the sale and delivery of less than 12 quarts of fluid milk on any one day.

Special or premium milk and buttermilk [including, but not limited to, Certified, Guernsey, skim milk, and chocolate milk] other than homogenized, Vitamin D, and homogenized-Vitamin D. The seller shall adjust his maximum wholesale price for sales, as determined under the foregoing table, by the amount of his absolute differential in

March 1942 between the price for standard fluid milk and the special or premium milk or buttermilk sold in the same type and size of container, subject to applicable customary discounts and allowances: *Provided, however,* That for sales in paper containers, the seller may in any event charge 1¢ per quart more than his adjusted maximum price for the same special or premium milk or buttermilk sold in bottles.

⅓ quart container sizes. The seller shall adjust his maximum wholesale price for ⅓ quart container sizes sold to Government agencies or subdivisions, as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation, by an amount proportionate to the increase in his ceiling price for the same type of milk in quart container sizes as a result of the specific maximum prices listed in the foregoing table.

(5) Sales at wholesale to vendors or subdealers. The seller's maximum wholesale price for sales to vendors or subdealers, i. e. fluid milk distributors who do not operate pasteurizing plants, regardless of whether they operate milk depots, shall be his established maximum price, as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation, *plus* 1¼¢ per quart, or a proportionate amount for a part of a quart, for sales in any size or type of container.

(6) Other sales at wholesale. The seller may add 1¢ per quart, or a proportionate amount for a part of a quart, to his established maximum price, as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation, for sales at wholesale to purchasers other than stores, hotels, restaurants, and other eating establishments, institutions, Government agencies or subdivisions, and vendors or subdealers.

Suffolk County

(1) Sales at wholesale to stores.

Special type	Grade	Container size	Type of container	Adjusted maximum price (cents)
Standard	Approved	Quart	Glass	14½
	Approved	Quart	Paper	15½
Homogenized, Vitamin D, and Homogenized-Vitamin D.	Approved	Quart	Glass	15½
	Approved	Quart	Paper	16½

Exception: The seller may add ½¢ per quart to the foregoing listed specific maximum prices for the sale and delivery of less than 12 quarts of fluid milk on any one day.

Special or premium milk and buttermilk [including, but not limited to, Certified, Guernsey, skim milk, and chocolate milk] other than homogenized, Vitamin D, and homogenized-Vitamin D. The seller shall adjust his maximum wholesale price for sales to stores, as determined under the foregoing table, by the amount of his absolute differential in March 1942 between the price for standard fluid milk and the special or premium milk or buttermilk sold in the same type and size of container, subject to applicable customary discounts and allowances: *Provided, however,* That for sales in paper containers, the seller may in any event charge 1¢ per quart more than his adjusted maximum price for the same special or premium milk or buttermilk sold in bottles.

(2) Sales at wholesale to hotels, restaurants, and other eating establishments.

Special type	Grade	Container size	Type of container	Adjusted maximum price (cents)
Standard	Approved	Quart	Glass	14½
	Approved	Quart	Paper	15½
	Approved	Pint	Glass	10
	Approved	Pint	Paper	10½
	Approved	½ pint	Glass	5½
	Approved	½ pint	Paper	5¾
	Approved	8 to 40 quarts	Can	[1] 13½
Homogenized, Vitamin D, and Homogenized-Vitamin D.	Approved	Quart	Glass	15½
	Approved	Quart	Paper	16½
	Approved	Pint	Glass	10½
	Approved	Pint	Paper	11
	Approved	½ pint	Glass	5¾
	Approved	½ pint	Paper	6
	Approved	8 to 40 quarts	Can	[1] 14½

[1] Per quart.

Exception: The seller may add ½¢ per quart to the foregoing listed specific maximum prices for the sale and delivery of less than 12 quarts of fluid milk on any one day.

Special or premium milk and buttermilk [including, but not limited to, Certified, Guernsey, skim milk, and chocolate milk] other than homogenized, Vitamin D, and homogenized-Vitamin D. The seller shall adjust his maximum wholesale price for sales, as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation, by the amount of his absolute differential in March 1942 between the price for standard fluid milk and the special or premium milk or buttermilk sold in the same type and size of container, subject to applicable customary discounts and allowances: *Provided, however,* That for sales in paper containers, the seller may in any event charge 1¢ per quart more than his adjusted maximum price for the same special or premium milk or buttermilk sold in bottles.

⅓ quart container sizes. The seller shall adjust his maximum wholesale price for ⅓ quart container sizes sold to hotels, restaurants, and other eating establishments, as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation, by an amount proportionate to the increase in his ceiling price for the same type of milk in quart container sizes as a result of the specific maximum prices listed in the foregoing table.

(A) Sales at wholesale to combination store-eating establishments [including, but not limited to, delicatessens, milk bars, and soda fountains]. As to places of business combining the functions of retail store-outlets with those of an eating establishment selling fluid milk for consumption on the premises, the foregoing maximum wholesale prices for pints, ½ points, and ⅓ quarts shall also apply to their purchases. As to wholesale sales of quart container sizes to such combination store-eating establishments, the maximum price shall be the ceiling price for sales to stores, and the maximum wholesale price for quarts sold to hotels and restaurants shall not be applicable to them.

(B) Sales of milk with dispenser apparatus. Where a dispenser apparatus is furnished the buyer as a part of the transaction for the purchase of milk, the seller may add ¾¢ per quart to the specific maximum price for bulk milk listed in the foregoing table.

(3) Sales to institutions [whether wholesale or retail].

Special type	Grade	Container size	Type of container	Adjusted maximum price (cents)
Standard	Approved	Quart	Glass	13½
	Approved	Quart	Paper	14½
	Approved	Pint	Glass	10
	Approved	Pint	Paper	10½
	Approved	½ Pint	Glass	5¼
	Approved	½ Pint	Paper	5½
	Approved	8 to 40 qts	Can	[1] 13
Homogenized, Vitamin D, and Homogenized-Vitamin D.	Approved	Quart	Glass	14½
	Approved	Quart	Paper	15½
	Approved	Pint	Glass	10½
	Approved	Pint	Paper	11
	Approved	½ Pint	Glass	5½
	Approved	½ Pint	Paper	5¾
	Approved	8 to 40 qts	Can	[1] 14

[1] Per quart.

Exception: The seller may add ½¢ per quart to the foregoing listed specific maximum prices for the sale and delivery of less than 12 quarts of fluid milk on any one day.

Special or premium milk and buttermilk [including, but not limited to, Certified, Guernsey, skim milk, and chocolate milk] other than homogenized, Vitamin D, and homogenized-Vitamin D. The seller shall adjust his maximum wholesale price for sales, as determined under the foregoing table, by the amount of his absolute differential in March 1942 between the price for standard fluid milk and the special or premium milk or buttermilk sold in the same type and size of container, subject to applicable customary discounts and allowances: *Provided, however,* That for sales in paper containers, the seller may in any event charge 1¢ per quart more than his adjusted maximum price for the same special or premium milk or buttermilk sold in bottles.

⅓ quart container sizes. The seller shall adjust his maximum wholesale price for ⅓ quart container sizes sold to institutions, as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation, by an amount proportionate to the increase in his ceiling price for the same type of

milk in quart container sizes as a result of the specific maximum prices listed in the foregoing table.

Special type	Grade	Container size	Type of container	Adjusted maximum price (cents)
Standard	Approved	Quart	Glass	13¼
	Approved	Quart	Paper	14¼
	Approved	Pint	Glass	9¾
	Approved	Pint	Paper	10¼
	Approved	½ pint	Glass	5
	Approved	½ pint	Paper	5¼
	Approved	8 to 40 quarts	Cans	[1] 12¾
Homogenized, Vitamin D, and homogenized-Vitamin D.	Approved	Quart	Glass	14¼
	Approved	Quart	Paper	15¼
	Approved	Pint	Glass	10¼
	Approved	Pint	Paper	10¾
	Approved	½ pint	Glass	5¼
	Approved	½ pint	Paper	5½
	Approved	8 to 40 quarts	Cans	[1] 13¾

[1] Per quart.

Exception. The seller may add ½¢ per quart to the foregoing listed specific maximum prices for the sale and delivery of less than 12 quarts of fluid milk on any one day.

Special or premium milk and buttermilk [including, but not limited to, Certified, Guernsey, skim milk, and cholocate milk] other than homogenized, Vitamin D, and homogenized-Vitamin D. The seller shall adjust his maximum wholesale price for sales, as determined under the foregoing table, by the amount of his absolute differential in March 1942 between the price for standard fluid milk and the special or premium milk or buttermilk sold in the same type and size of container, subject to applicable customary discounts and allowances: *Provided, however,* That for sales in paper containers, the seller may in any event charge 1¢ per quart more than his adjusted maximum price for the same special or premium milk or buttermilk sold in bottles.

⅓ quart container sizes. The seller shall adjust his maximum wholesale price for ⅓ quart container sizes sold to Government agencies or subdivisions, as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation, by an amount proportionate to the increase in his ceiling price for the same type of milk in quart container sizes as a result of the specific maximum prices listed in the foregoing table.

(5) *Sales at wholesale to vendors or subdealers.* The seller's maximum wholesale price for sales to vendors or subdealers, i. e., fluid milk distributors who do not operate pasteurizing plants, regardless of whether they operate milk depots, shall be his established maximum price, as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation, *plus* 1¼¢ per quart, or a proportionate amount for a part of a quart, for sales in any size or type of container.

(6) *Other sales at wholesale.* The seller may add 1c per quart or a proportionate amount for a part of a quart, to his established maximum price, as determined under § 1499.2, General Provisions, of the General Maximum Price Regulation, for sales at wholesale to purchasers other than stores, hotels, restaurants, and other eating establishments, institutions, Government agencies or subdivisions, and vendors or subdealers.

This amendment shall become effective March 11, 1943 and terminate on April 1, 1943.

(4) *Sales to Government agencies or subdivisions [whether wholesale or retail].*

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 10th day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-3812; Filed, March 10, 1943; 4:55 p. m.]

PART 1340—FUEL

[MPR 137,[1] Amendment 28]

PETROLEUM PRODUCTS SOLD AT RETAIL

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 137 is amended in the following respects:

1. Section 1340.91 (b) is amended to read as follows:

(b) *Eastern Seaboard.* In the Eastern Seaboard and within the corporate limits of Bristol, Tennessee, the maximum price of gasoline sold at service stations, determined under § 1340.91 (a) (1) and (2) may be increased by not more than 0.4 of a cent per gallon. In the Eastern Seaboard the maximum price determined under § 1340.91 (a) (1) and (2) of kerosene, No. 1 fuel oil and range oil at retail establishments may be increased by not more than 1.4 cents per gallon and of diesel fuel sold at retail establishments by not more than 1.1 cents per gallon.

2. Section 1340.91 (i) is amended to read as follows:

(i) In the Metropolitan Boston, Massachusetts area comprising the following towns and cities: Arlington, Belmont, Boston, Braintree, Brookline, Cambridge, Canton, Chelsea, Cohassett, Dedham, Dover, Everett, Hingham, Lexington, Lynn, Malden, Medford, Melrose, Milton, Nahant, Needham, Newton, Quincy, Reading (but not North Reading), Revere, Saugus, Somerville, Stoneham, Swampscott, Wakefield, Waltham, Watertown, Wellesley, Weston, Westwood, Weymouth, Winchester, Winthrop and Woburn, the maximum price for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil shall be 12.3 cents a gallon.

3. Section 1340.91 (k) is amended to read as follows:

(k) Within the corporate limits of New York City, New York, the maximum prices for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil, also known as stove oil, shall be 14.0 cents per gallon.

4. Section 1340.91 (p) is amended to read as follows:

(p) In the Bridgeport, Connecticut, area, comprising the townships and cities of Bridgeport, Easton, Fairfield, Monroe, Stratford, Trumbull, Weston and Westport, the maximum price for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil shall be 12.5 cents per gallon.

5. Section 1340.91 (q) is amended to read as follows:

(q) In the New Haven, Connecticut, area, comprising the townships and cities of Bethany, Branford, East Haven, Hamden, Milford, North Branford, North Haven, New Haven, Orange, West Haven and Woodbridge, the maximum price for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil shall be 12.5 cents per gallon.

6. Section 1340.91 (r) is amended to read as follows:

(r) In the Hartford, Connecticut, area, comprising the townships and cities of Bloomfield, East Hartford, Glastonbury, Hartford, Newington, Wethersfield, Windsor, Windsor Locks, East Windsor, South Windsor and West Hartford, the maximum price for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil shall be 12.5 cents per gallon.

7. Section 1340.91 (s) is amended to read as follows:

(s) In the Danbury, Connecticut, area, comprising the following townships and cities in the State of Connecticut: Bethel, Bridgewater, Brookfield, Danbury, Redding, Ridgefield, New Fairfield, New Milford, Newtown and Sherman; and the following townships and cities in the State of New York: Brewster, Patterson, and Pawling, the maximum price for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil shall be 13.0 cents per gallon.

8. Section 1340.91 (t) is amended to read as follows:

(t) (1) *Baltimore, Maryland.* Within the corporate limits of the City of Baltimore, Maryland, the maximum price for sellers at retail establishments of kerosene, No. 1 fuel oil and range oil shall be 13.0 cents per gallon.

(2) *Washington, D. C.* Within the Washington, D. C., tank wagon area the maximum prices for sellers at retail establishments of kerosene. No. 1 fuel oil and range oil shall be 14.5 cents per gallon.

*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 3165, 3749, 4273, 4653, 4780, 4853, 5363, 5868, 5941, 6057, 6896, 7902, 8353, 8938, 8948, 9335, 10684, 11008, 11112, 11075; 8 F.R. 231, 232, 1226, 1586, 1799, 2152, 2120, 2501, 2594, 3105.

This amendment shall become effective March 17, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 17th day of March, 1943.

JOHN E. HAMM.
Acting Administrator.

[F. R. Doc. 43-4160; Filed, March 17, 1943; 3:15 p. m.]

PART 1340—FUEL

[RPS 88,[1] Amendment 82]

PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Price Schedule No. 88 is amended in the following respects:

1. Section 1340.159 (b) (12) is added to read as follows:

(12) The maximum prices in the States of Connecticut, Delaware, Florida east of the Apalachicola River, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia and in the District of Columbia for the petroleum products listed below shall be the maximum prices as determined under § 1340.159 (b) (1)–(3) plus the respective amounts per gallon indicated below:

Product:	*Cents per gallon*
All distillate and distillate type fuel oils having a viscosity below 85 seconds Saybolt Universal (at 100° F.) except kerosene, range oil and No. 1 fuel oil and including but not limited to the following: Tractor fuel, gas house oils, distillate diesel fuel oils, Nos. 2, 3, and 4 fuel oils, Standard light gas oil, gas house standard light gas oil, and Mirando and Mirando type crude oil when sold as No. 4 fuel oil or other distillate fuel oil use	1.5
Kerosene, range oil and No. 1 fuel oil	1.8

2. Section 1340.159 (c) (3) (i) is hereby revoked.

3. Section 1340.159 (c) (3) (xi) is amended to read as follows:

(xi) *Metropolitan Boston, Massachusetts, area.* In the Metropolitan, Boston, Massachusetts area, comprising the following towns and cities: Arlington, Belmont, Boston, Braintree, Brookline, Cambridge, Canton, Chalsea, Cohassett, Dedham, Dover, Everett, Hingham, Lexington, Lynn, Malden, Medford, Melrose, Milton, Nahant, Needham, Newton, Quincy, Reading (but not North Reading), Revere, Saugus, Somerville, Stoneham, Swampscott, Wakefield, Waltham, Watertown, Wellesley, Weston, Westwood, Weymouth, Winchester, Winthrop and Woburn, maximum prices for kerosene, No. 1 fuel oil and range oil shall be as follows:

	Cents per gallon
F. o. b. terminals in bulk lots for delivery by barge	6.95
F. o. b. terminals in bulk lots for delivery by tank car or motor transport	7.2
At seller's yard for delivery into buyer's tank wagons	7.8
At seller's yard for deliveries in containers in quantities of 10 gallons or over	10.3
Tank wagon deliveries to resellers in quantities of 25 gallons or over	9.8
Tank wagon deliveries to consumers in quantities of 25 gallons or over	10.3
Tank wagon deliveries in quantities of less than 25 gallons and truck deliveries in containers in quantities of less than 25 gallons	12

4. Section 1340.159 (c) (3) (xii) (*a*) is amended to read as follows:

(*a*) Within the corporate limits of New York City, New York, maximum prices for kerosene, No. 1 fuel oil and range oil, also known as stove oil, shall be as follows:

	Cents per gallon
F. o. b. terminals in bulk lots for delivery by barge	7.0
F. o. b. terminals in bulk lots for delivery by tank car or motor transport	7.1
At the seller's yard for delivery into buyer's tank wagons in the Boroughs of Manhattan, the Bronx, Brooklyn, Richmond and Queens	7.5
Tank wagon deliveries to resellers in quantities of 25 gallons or over	9.5
Tank wagon deliveries to consumers in quantities of 25 gallons or over	10.0
Tank wagon deliveries in quantities of less than 25 gallons and truck deliveries in containers in quantities of less than 25 gallons	12.5

5. Section 1340.159 (c) (3) (xiv) is amended to read as follows:

(xiv) *Bridgeport, Connecticut, area.* In the Bridgeport, Connecticut, area comprising the townships and cities of Bridgeport, Easton, Fairfield, Monroe, Stratford, Trumbull, Weston and Westport, maximum prices for kerosene, No. 1 fuel oil and range oil shall be as follows:

	Cents per gallon
F. o. b. terminals in bulk lots or delivery by tank car or motor transport	7.5
At seller's yard for delivery into buyer's tank wagons	7.8
At seller's yard for deliveries in containers in quantities of 10 gallons or less	11.3
Tank wagon deliveries to resellers in quantities of 25 gallons or over	9.2
Tank wagon deliveries to consumers in quantities of 25 gallons or over	10.0
Tank wagon deliveries to consumers in quantities of less than 25 gallons	11.5

6. Section 1340.159 (c) (3) (xv) is amended to read as follows:

(xv) *New Haven, Connecticut, area.* In the New Haven, Connecticut, area comprising the townships and cities of Bethany, Branford, East Haven, Hamden, Milford, North Branford, North Haven, New Haven, Orange, West Haven and Woodbridge, maximum prices for kerosene, No. 1 fuel oil and range oil shall be as follows:

	Cents per gallon
F. o. b. terminals in bulk lots for delivery by tank car or motor transport	7.5
At seller's yard for delivery into buyer's tank wagons	7.8
At seller's yard for deliveries in containers in quantities of 10 gallons or less	11.3
Tank wagon deliveries to resellers in quantities of 25 gallons or over	9.2
Tank wagon deliveries to consumers in quantities of 25 gallons or over	10.0
Tank wagon deliveries to consumers in quantities of less than 25 gallons	11.5

7. Section 1340.159 (c) (3) (xvi) is amended to read as follows:

(xvi) *Hartford, Connecticut, area.* In the Hartford, Connecticut, area comprising the townships and cities of Bloomfield, East Hartford, East Windsor, Glastonbury, Hartford, Newington, Wethersfield, Windsor, Windsor Locks, West Hartford and South Windsor, maximum prices for kerosene, No. 1 fuel oil and range oil shall be as follows:

	Cents per gallon
F. o. b. terminals in bulk lots for delivery by tank car or motor transport	7.5
At seller's yard for delivery into buyer's tank wagons	7.8
At seller's yard for deliveries in containers in quantities of 10 gallons or less	10.3
Tank wagon deliveries to resellers in quantities of 25 gallons or over	10.0
Tank wagon deliveries to consumers in quantities of 25 gallons or over	10.0
Tank wagon deliveries to resellers in quantities of less than 25 gallons	11.5

8. Section 1340.159 (c) (3) (xvii) is amended to read as follows:

(xvii) *Danbury, Connecticut, area.* In the Danbury, Connecticut, area comprising the following townships and cities in the State of Connecticut: Bethel, Bridgewater, Brookfield, Danbury, Redding, Ridgefield, New Fairfield, New Milford, Newtown and Sherman; and the following townships and cities in the State of New York: Brewster, Patterson and Pawling, maximum prices for kerosene, No. 1 fuel oil and range oil shall be as follows:

	Cents per gallon
At seller's yard for delivery into buyer's tank wagons	8.2
At seller's yard for deliveries in containers in quantities of 10 gallons or less	11.3
Tank wagon deliveries to resellers in quantities of 25 gallons or over	10.0
Tank wagon deliveries to consumers in quantities of 25 gallons or over	10.5
Tank wagon deliveries to consumers in quantities of less than 25 gallons	12.0

9. Section 1340.159 (c) (3) (xx) is amended to read as follows:

(xx) *Baltimore, Maryland.* Within the corporate limits of the City of Baltimore, Maryland, maximum prices for kerosene, No. 1 fuel oil and range oil shall be as follows:

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 1107, 1371, 1798, 1799, 1886, 2132, 2304, 2352, 2634, 2945, 3463, 3482, 3524, 3576, 3895, 3963, 4483, 4653, 4854, 4857, 5481, 5867, 5868, 5988, 5983, 6057, 6167, 6471, 6680, 7242, 7838, 8433, 8478, 9120, 9134, 9335 9425 9460 9620, 9621, 9817, 9820, 10684, 11069, 11112, 11075; 8 F.R. 157, 232, 233, 857, 1227, 1260, 1457, 1312, 1318, 1642, 1799, 2023, 2105, 2267, 2119, 2594, 2152, 2334, 2349, 2273, 2350, 2501, 2594, 2756, 2874, 2977, 3050, 3106.

	Cents per gallon
F. o. b. terminals in bulk lots for delivery by tank car or motor transport	7.2
At the seller's yard for delivery into the buyer's tank wagon	7.45
Tank wagon deliveries to resellers	9.5
Tank wagon deliveries to consumers in quantities of 25 gallons or over	10.0
Tank wagon deliveries to consumers in quantities of less than 25 gallons	11.0

10. Section 1340.159 (c) (3) (xxi) is amended to read as follows:

(xxi) *Washington, D. C.* Within the Washington, D. C., tank wagon area maximum prices for kerosene, No. 1 fuel oil and range oil shall be as follows:

	Cents per gallon
At the seller's yard for delivery into the buyer's tank wagons	8.3
Tank wagon deliveries to resellers	10.5
Tank wagon deliveries to consumers in quantities of 25 gallons or over	10.5
Tank wagon deliveries to consumers in quantities of less than 25 gallons	12.0

11. Section 1340.159 (c) (3) (xxii) is added to read as follows:

(xxii) *41–43 and 42–44 gravity w. w. kerosene at Texas and Louisiana Gulf Coast ports.* (a) At all ports on the Texas and Louisiana Gulf Coast and the Mississippi River from the Gulf Coast up to and including Baton Rouge, Louisiana, the maximum price of 41–43 gravity and 42–44 gravity w. w. kerosene f. o. b. refineries and terminals in bulk lots for deliveries into tankers, barges, pipelines, tank cars or motor transports, where shipments are made to ultimate destinations in District No. 1, as defined by the Office of the Petroleum Administrator for War, shall be 4.125 cents per gallon.

(b) At all ports on the Texas and Louisiana Gulf Coast and the Mississippi River from the Gulf Coast up to and including Baton Rouge, Louisiana, the maximum price for 41–43 gravity and 42–44 gravity w. w. kerosene f. o. b. refineries and terminals in bulk lots for deliveries into tankers, barges, pipelines, tank cars or motor transports, where shipments are made to ultimate destinations in areas other than District No. 1 as defined by the Office of the Petroleum Administrator for War, shall be 4.125 cents per gallon or the maximum price established for the particular seller under the provisions of this price schedule which would otherwise govern, whichever is higher.

(c) At all ports on the Texas and Louisiana Gulf Coast and the Mississippi River from the Gulf Coast up to and including Baton Rouge, Louisiana, the maximum price for 41–43 gravity and 42–44 gravity w. w. kerosene f. o. b. refineries and terminals for delivery into special containers, such as steel drums, where shipments are made to ultimate destinations in District No. 1 as defined by the Office of the Petroleum Administrator for War shall be 4.125 cents per gallon.

This amendment shall become effective March 17, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 17th day of March 1943.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 43–4161; Filed, March 17, 1943; 3:15 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 292, Amendment 2]

SALES OF CITRUS FRUITS BY PACKERS, BROKERS, ETC.

Correction

The last sentence of § 1351.1403 (d) should read as follows (8 F.R. 2869):

"Freight shall not include local trucking or unloading but shall include actual charges for unloading cars for sales at a terminal market."

In the table of prices, the price for "Florida: Interior, Tangerines, Mar. 1 to end, packed unwrapped" should be 3.58. The price for "Texas Oranges, Mar. 1 to end, 1 bushel basket" should be 2.24. The price of "California, Arizona, All (including tangerines), Nov. 16 to Apr. 30, per lb. maximum prices" should be .035. "May 1 to Nov. 15, per lb. maximum prices" should be .045.

PART 1364—FRESH, CURED AND CANNED MEAT AND FISH

[Rev. MPR 148, Amendment 2]

DRESSED HOGS AND WHOLESALE PORK CUTS

Correction

The following changes should be made in Table (g) appearing on page 2925 of the issue for Wednesday, March 10, 1943. In items 5 and 6 the abbreviation "F. S. G. C." should read "F. S. C. C." In item 12 the word "Hot" should read "Not". In item 15 the heading should read "Rib backs:".

PART 1426—WOOD PRESERVATION AND PRIMARY FOREST PRODUCTS

[Correction to MPR 324]

NORTHERN WHITE CEDAR FENCE POSTS

In the price table in § 1426.203, the unit price under the column heading "Each" for the 3'' round, 8' long post, is corrected from $.017 to $.205.

In § 1426.204 (c), the words "33⅓% of the sum of (1) and (2)" are corrected to read "33⅓% of the sum of (a) and (b)".

This correction shall become effective March 23, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 17th day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–4162; Filed, March 17, 1943; 3:15 p. m.]

PART 1340—FUEL

[MPR 112[1] as Amended March 18, 1943]

PENNSYLVANIA ANTHRACITE

Section 1340.200 (a) (1) is amended by Amendment 12, so that Maximum Price Regulation No. 112 shall read as follows:

In the judgment of the Price Administrator the prices of anthracite are threatening to rise to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the prices of anthracite prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of said Act. A statement of the considerations involved in the issuance of this regulation has been prepared and is issued simultaneously herewith.[2]

Therefore, under the authority vested in the Price Administrator, and in accordance with Procedural Regulation No. 1,[3] issued by the Office of Price Administration, Maximum Price Regulation No. 112 is hereby issued.

Sec.

AUTHORITY: §§ 1340.191 to 1340.200, inclusive, issued under the authority contained in Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871.

§ 1340.191 *Maximum prices for anthracite.* On and after April 1, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person who is a producer or a distributor shall sell or deliver anthracite and no person shall buy or receive anthracite from a producer or distributor, in the course of trade or business, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1340.200; and no person shall agree, offer, solicit or attempt to do any of the foregoing.

[NOTE: Supplementary Order No. 7 (7 F.R. 5176) provides that the prohibition contained in any price regulation against buying or receiving any commodity or service at a price higher than the maximum price permitted by such regulation shall not apply to any war procurement agency, or government whose defense is vital to the defense of the United States.]

§ 1340.192 *Less than maximum prices.* Lower prices than those set forth in Appendix A (§ 1340.200) may be charged, demanded, paid or offered.

§ 1340.193 *Conditional agreements.* (a) Except as set forth in paragraphs (b) and (c) of this section, no agreement shall be entered into permitting the ad-

[1] 7 F.R. 2512.

[2] Statements of considerations are also issued simultaneously with issuance of amendments. Requests for copies should be addressed to the Office of Price Administration.

[3] Revised: 7 F.R. 8961.

justment of the selling prices of anthracite to prices which may be higher than the maximum prices provided by § 1340.200 in the event that this Maximum Price Regulation No. 112 is amended or is determined by a court to be invalid or upon any other contingency.

(b) Nothing contained in this Maximum Price Regulation No. 112 shall be deemed to prohibit the making of an agreement specifying that the price shall be the maximum price in effect at the time of delivery or that, if any changes are subsequently effected in the maximum prices, the stipulated price, as to deliveries made on and after the date of the change, shall be adjusted accordingly; but in no event shall any contract permit the retroactive adjustment of the selling prices of anthracite to prices higher than the maximum prices in effect at the time of the delivery thereof (unless an exception is granted by the Price Administrator, as provided in paragraph (c) of this section.)

(c) If a petition for amendment (or for adjustment or for exception) has been duly filed, and such petition requires extensive consideration, and the Administrator determines that such an exception would be in the public interest pending such consideration, the Administrator may grant an exception from the provisions of this section permitting the making of contracts adjustable upon the granting of the petition for amendment (or for adjustment or for exception.) Requests for such an exception may be included in the aforesaid petition for amendment (or for adjustment or for exception.)

[§ 1340.193 as amended by Amendment 1, 7 F.R. 2739]

§ 1340.194 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 112 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to anthracite, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or by the making of excessive charges for trucking or otherwise.

§ 1340.195 *Records and reports.* (a) Every producer and distributor making a sale of anthracite and every person making a purchase of anthracite from a producer or distributor on and after April 1, 1942 shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of each such sale or purchase showing the date thereof; the name and address of the buyer and of the person making the sale; the size, brand or trade name and quantity of the anthracite sold or purchased, together with the name of the mine at which it originated; the method of transportation employed in the delivery thereof; and the price received or paid therefor.

(b) Not later than May 1, 1942, every producer and distributor of anthracite shall file with the Office of Price Administration in Washington, D. C. a statement setting forth: (1) the rate of interest, if any, charged on delinquent accounts or on any note, trade acceptance or other evidence of indebtedness accepted in payment of an account during the period October 1–15, 1941, inclusive; (2) the charges, if any, made for any special services during the period October 1–15, 1941, inclusive, together with a description of the special service rendered; and (3) the cash discounts on all sales and quantity discounts, or rebates, f. o. b. trucks at mines or preparation plants operated as an adjunct to a mine or mines, in effect during the period October 1–15, 1941, inclusive.

[Paragraph (b) as amended by Amendment 11, 8 F.R. 2022]

(c) Persons affected by Maximum Price Regulation No. 112, shall submit such other reports to the Office of Price Administration and keep such other records as it may from time to time require.

(d) [Revoked by Amendment 10, 8 F.R. 444]

§ 1340.196 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 112 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages, provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 112 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1340.197 *Applications for adjustment and petitions for amendment.* (a) (1) The Administrator may by order grant an adjustment of the maximum prices to any producer who shows to the satisfaction of the Administrator that (i) the sale of its mine's entire production at the maximum prices would not return a realization equal to its representative cost of production; (ii) such costs of production are of a continuing nature; and (iii) the anthracite produced at the mine has in the past sold at premium prices or is of such quality that there is now a reasonable opportunity for securing premium prices.

(2) The Office of Price Administration may require in connection with any such application, filed under the provisions of this paragraph, full data on costs, profits, price history and other relevant factors. Applications for adjustment pursuant to this paragraph shall be filed in accordance with the provisions of Revised Procedural Regulation No. 1, issued by the Office of Price Administration.

(3) Any adjustments granted under this paragraph shall not exceed the amount necessary to permit the producer to obtain a realization on the sale of its mine's entire production approximately equal to the mine's representative cost of production.

(b) Persons seeking any modification of this Maximum Price Regulation No. 112 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, issued by the Office of Price Administration.

[§ 1340.197 as amended by Amendment 11, 8 F.R. 2022]

[NOTE: Procedural Regulation No. 6 (7 F.R. 5087, 5665) provides for the filing of applications for adjustment of maximum prices for commodities or services under Government contracts or subcontracts. Supplementary Order No. 9 (7 F.R. 5444, 9323) makes the provisions of Procedural Regulation No. 6 applicable to all price regulations, with the exception of those on scrap, waste, and salvage materials.]

[NOTE: Supplementary Order No. 28 (7 F.R. 9619) provides for the filing of applications for adjustment or petitions for amendment based on a pending wage or salary increase requiring the approval of the National War Labor Board.]

§ 1340.198 *Definitions.* (a) When used in this Maximum Price Regulation No. 112 the term:

(1) "Person" includes an individual, corporation, partnership, association, or other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Producer" means a person engaged in the business of mining and/or preparing anthracite and any person acting as an agent of a producer in the sale of anthracite.

(3) "Distributor" means a person who purchases anthracite f. o. b. transportation facilities at a mine or preparation plant for resale, and resells the same in not less than cargo or railroad carload lots, without physically handling such anthracite, and any person acting as an agent of a distributor in the sale of anthracite.

(4) "Anthracite" means all coal produced in the Lehigh, Schuylkill and Wyoming regions in the State of Pennsylvania.

(5) "Ground storage facility" means a storage facility not operated as an adjunct of a mine or preparation plant, which is customarily used by a producer or distributor for storage of anthracite in transit from a mine or adjunct preparation plant to a purchaser.

[Paragraph (5) added by Amendment 9, 7 F.R. 10554]

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1340.199 *Effective date.* This Maximum Price Regulation No. 112 (§§ 1340.191 to 1340.200, inclusive) shall become effective April 1, 1942.

[Issued March 30, 1942]

§ 1340.199a *Effective dates of amendments.*

Amendment Nos. and issuance dates:	Effective
Amendment 1, 4-8-42	4- 9-42
Amendment 2, 4-13-42	4-15-42
Amendment 3, 4-15-42	4-16-42
Amendment 4, 5-11-42	5-16-42
Amendment 5, 6-4-42	6- 9-42
Amendment 6, 6-16-42	6-20-42
Amendment 7, 6-16-42	6-20-42
Amendment 8, 12-14-42	12- 1-42
Correction, Amendment 8, 12-19-42	12-14-42
Amendment 9, 12-15-42	12-21-42
Amendment 10, 1-9-43	1- 9-43
Amendment 11, 2-12-43	2-12-43
Amendment 12, 3-18-43	3-24-43

§ 1340.200 *Appendix A. Maximum prices for anthracite.* (a) The following maximum prices are established for anthracite f. o. b. transportation facilities at the mine, or preparation plant operated as an adjunct of a mine or mines or ground storage facility from which delivery is made:

(1)

Size	Price per net ton
Domestic:	
Broken, egg, stove and chestnut	$7.30
Pea	5.75
Steam:	
Buckwheat #1	4.20
Rice (buckwheat #2)	3.35
Barley (buckwheat #3)	2.50
All sizes smaller than barley (buckwheat #3) if sold for fuel or sintering use, or for use in the manufacture of calcium carbide, graphite or activated carbon, including (specifically but not exclusively), Buckwheat #4, river or dredge barley, and smaller sizes	1.80

[Paragraph (1) amended by Amendment 12, issued 3-18-43, effective 3-24-43]

(2) Prepared at Jeddo #7 and Highland #5 breakers of the Jeddo Highland Coal Company, Jeddo, Pennsylvania, and marketed under the trade name "Jeddo Coal," "Highland Coal" or "Hazel Brook Coal":

Size	Price per net ton
Domestic:	
Broken, egg, stove and chestnut	$7.55
Pea	6.00
Steam:	
Buckwheat #1	4.45
Rice (buckwheat #2)	3.50
Barley (buckwheat #3)	2.50

(3) Prepared at the Williamstown breaker of the Franklin-Lykens Coal Company, Ashland, Pennsylvania, and marketed under the trade name "The Only Genuine Franklin Coal of Lykens Valley":

Size	Price per net ton
Domestic:	
Broken	$8.05
Egg	8.30
Stove	8.55
Chestnut	7.60
Pea	5.75
Steam:	
Buckwheat #1	4.20
Rice (buckwheat #2)	3.45
Barley (buckwheat #3)	2.50

(4) Produced by Lehigh Navigation Coal Company, Philadelphia, Pennsylvania, and marketed under the trade name "Old Company's Lehigh Greenwood Premium Anthracite":

Size	Price per net ton
Domestic:	
Broken	$7.30
Egg, stove and nut	7.55
Pea	6.00
Steam:	
Buckwheat #1	4.20
Rice (buckwheat #2)	3.35
Barley (buckwheat #3)	2.50

The prices set forth in subparagraphs (2), (3), and (4) of this paragraph shall be the maximum prices for this anthracite for so long as the present quality and preparation standards are maintained; otherwise, the maximum prices shall be those established by subparagraph (1) of this paragraph.

[Paragraph (a) as amended by Amendment 10, 8 F.R. 444]

(b) [Revoked by Amendment 3, 7 F.R. 2868]

(c) *Cash discounts, credit terms and special services.* (1) There shall be deducted from the maximum prices established in paragraphs (a) and (b) of this section the cash discounts on all sales and quantity discounts, or rebates, f. o. b. trucks at mines or preparation plants operated as an adjunct to a mine or mines, in effect during the period October 1–15, 1941, inclusive.

[Paragraph (c) (1) as amended by Amendment 11, 8 F.R. 2022]

(2) The rate of interest on overdue accounts or on a note, trade acceptance or other form of indebtedness accepted in payment of an account shall not exceed the rate charged by the seller on similar transactions during the period of October 1–15, 1941, inclusive.

(3) (i) The charges made for any special service, including (specifically but not exclusively) calcium chloride treatment, specially prepared sizes, split cars (containing more than one size), box car loading, truck loading from pockets at the mine, bags and bagging, and the making of local or retail deliveries from the mine or adjunct preparation plant, shall not exceed the charges made for the same service during the period October 1–October 15, 1941, inclusive; but any producer whose special service charge for bags and bagging of anthracite at the mine or adjunct preparation plant during the period October 1–October 15, 1941, inclusive, was less than $2.30 per net ton, may charge for this special service an amount not in excess of $2.30 per net ton.

[Paragraph (3) (i) as amended by Amendment 10, 8 F.R. 444]

(ii) For the coal prepared at the Salem Hill breaker at Palo Alto, Schuylkill County, Pennsylvania by Haddock Mining Company, Wilkes-Barre, Pennsylvania and marketed under the trade name "Salem Hill Brooder Coal," there may be added a charge of 25 cents per net ton over and above the maximum prices otherwise provided in this § 1340.200:

Provided, That upon inspection by the producer each shipment of such coal is found to meet the following specifications: it shall be sized through a 1⅝" and over a 1⅛" test mesh with maximum oversize of two percent and undersize of three percent; float and sink test shall not exceed five percent sink on a 1.7 gravity; and:

Provided, further, That a record of inspection of each shipment of this coal shall be kept by the producer for a period of not less than one year for examination by the Office of Price Administration.

[Paragraph (ii) as amended by Amendment 5, 7 F.R. 4294]

(iii) Where anthracite coal is delivered from a mine or preparation plant in any transportation facilities owned or subject to the control of the producer or a distributor, or subsidiary or affiliate of the producer or distributor, or in any transportation facilities hired by the producer or a distributor, there may be added to the applicable maximum prices established herein a sum not in excess of the actual transportation costs incurred, determined in a reasonable manner, but in no event to exceed the lowest common carrier rate for a haul between the same points.

(iv) There may be added to the maximum prices established herein an amount not in excess of the tax imposed by section 620 of the Revenue Act of 1942 when incurred by a producer or distributor of anthracite: *Provided,* That the tax so incurred shall be stated separately from the price paid by the purchaser.

[Paragraphs (iii) and (iv) added by Amendment 8, 7 F.R. 10529]

(d) *Premium-penalty contracts.* (1) Barley (#3 buckwheat) may be sold or delivered at a base price not to exceed the maximum price established therefor by paragraph (a) (1) of this section plus a premium or minus a penalty (as the percentage by weight of ash content varies above or below a specified basic percentage by weight of ash content) to any person who, during the period October 1–15, 1941, had in effect an agreement providing for the purchase of such anthracite on such terms:

Provided, That, any premium-penalty agreement executed pursuant to this paragraph (d) shall be subject to the conditions of the following subparagraphs (2) and (3):

[Proviso amended by Amendment 10, 8 F.R. 444]

(2) No agreement executed pursuant to this paragraph (d) shall:

(i) Decrease the size of the bottom screen used in sizing under that required in a premium-penalty agreement which the same purchaser had in effect during the period October 1–15, 1941.

(ii) Increase the maximum percentage of allowable undersize beyond the percentage which was specified in a premium-penalty agreement which the same purchaser had in effect during the period October 1–15, 1941.

(iii) Increase the per net ton return to the seller (on coal of the same ash content) beyond that provided in a premium-penalty agreement which the

same purchaser had in effect during the period October 1–15, 1941, except that an increase in return due solely to the fact that the specified base price is equal to the maximum price established by paragraph (a) (1) hereof for barley (#3 buckwheat) may be paid and received.

(3) (i) Any purchaser who enters into a premium-penalty agreement pursuant to this paragraph (d) shall, within 15 days thereafter, file with the Office of Price Administration in Washington, D. C., a certified copy of all premium-penalty agreements to which he was a party during the period October 1–15, 1941.

(ii) No purchaser who enters into a premium-penalty agreement pursuant to this paragraph (d) shall relax the method of sampling and analysis (to determine the ash content of anthracite received pursuant to such agreement) from that which he employed in connection with anthracite received under a premium-penalty agreement which he had in effect during the period October 1–15, 1941.

(iii) [Revoked by Amendment 10, 8 F.R. 444]

(4) Contracts in effect January 9, 1943 which provide for sales of sizes smaller than barley (#3 buckwheat) on conditions similar to those set forth in the preceding subparagraphs of this paragraph (d) may be carried out at a base price not in excess of $1.80 per net ton.

[Paragraph (4) as amended by Amendment 10, 8 F.R. 444]

[Paragraph (d) added by Amendment 6, 7 F.R. 4539]

Issued this 18th day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–4205; Filed, March 18, 1943; 11:53 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[Rev. MPR 270,[1] Amendment 3]

DRY EDIBLE BEANS, SALES EXCEPT AT WHOLESALE AND RETAIL

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 270 is amended in the following respect: § 1351.1203 (a) is amended to read as follows:

(a) The maximum prices per cwt. in 100-pound containers at the country shipping point, on board car or any other common or contract carrier shall be:

Kind of dry edible beans	*Maximum price per cwt. in 100-lb. containers*
Pea and medium white beans (navy):	
U. S. choice hand picked	$5.90
U. S. No. 1	5.80
U. S. No. 2	5.65
U. S. No. 3 and lower	5.40
Marrow beans (not including red marrow):	
U. S. choice hand picked	7.25
U. S. No. 1	7.15
U. S. No. 2	7.05
U. S. No. 3 and lower	6.80
Great Northern beans:	
U. S. choice hand picked	5.90
U. S. No. 1	5.80
U. S. No. 2	5.65
U. S. No. 3 and lower	5.40
Small white beans (including flat small white):	
U. S. choice hand picked	5.90
U. S. No. 1	5.80
U. S. No. 2	5.65
U. S. No. 3 and lower	5.40
White kidney beans:	
U. S. choice hand picked	7.95
U. S. No. 1	7.85
U. S. No. 2	7.70
U. S. No. 3 and lower	7.45
Red kidney beans:	
U. S. choice hand picked	6.40
U. S. No. 1	6.30
U. S. No. 2	6.15
U. S. No. 3 and lower	5.90
Yelloweye beans:	
U. S. choice hand picked	7.25
U. S. No. 1	7.15
U. S. No. 2	7.05
U. S. No. 3 and lower	6.80
Cranberry beans (other than western):	
U. S. choice hand picked	6.00
U. S. No. 1	5.90
U. S. No. 2	5.75
U. S. No. 3 and lower	5.50
Cranberry beans (western):	
U. S. choice hand picked	6.45
U. S. No. 1	6.35
U. S. No. 2	6.20
U. S. No. 3 and lower	5.95
Small red beans:	
U. S. choice hand picked	5.90
U. S. No. 1	5.80
U. S. No. 2	5.65
U. S. No. 3 and lower	5.40
Pink beans:	
U. S. choice hand picked	6.10
U. S. No. 1	6.00
U. S. No. 2	5.85
U. S. No. 3 and lower	5.60
Bayo beans:	
U. S. choice hand picked	5.70
U. S. No. 1	5.60
U. S. No. 2	5.45
U. S. No. 3 and lower	5.20
Blackeye beans (western):	
U. S. choice hand picked	6.05
U. S. No. 1	5.95
U. S. No. 2	5.80
U. S. No. 3 and lower	5.55
Pinto beans:	
U. S. No. 1	5.90
U. S. No. 2	5.75
U. S. No. 3 and lower	5.50
Lima beans (standard):	
U. S. extra No. 1	8.10
U. S. No. 1	8.00
U. S. No. 2 and lower	7.85
Baby lima beans:	
U. S. extra No. 1	6.80
U. S. No. 1	6.70
U. S. No. 2 and lower	6.55

This amendment shall become effective March 25, 1943.

(Pub. Laws 421, 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 18th day of March 1943.

PRENTISS M. BROWN,
Administrator.

Approved by:

CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 43–4206; Filed, March 18, 1943; 11:53 a. m.]

PART 1367—FERTILIZERS

[MPR 240,[1] Amendment 2]

PHOSPHATE ROCK

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation No. 240 is amended in the following respect:

§ 1367.114 B. Finely ground phosphate rock, is amended by adding thereto:

Car bulk heads—Add $2.00 per car for installing wooden bulk heads to separate bagged rock from unbagged rock only at buyer's request.

This amendment shall become effective March 24, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 18th day of March, 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–4207; Filed, March 18, 1943; 11:54 a. m.]

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 136,[2] as Amended, Amendment 71]

MACHINES AND PARTS, AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Section 1390.8 is amended as set forth below:

§ 1390.8 *Maximum prices: sales by the manufacturer of machines or parts manufactured in new or converted plants.* If the manufacturer is unable to determine the maximum price for any machine or part pursuant to the provisions of § 1390.7 because such machine or part is manufactured in a new or converted plant or for any other reason:

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 1061, 2335.

[1] 7 F.R. 8283, 8948.

[2] 7 F.R. 3198, 3370, 3447, 3723, 4176, 5047, 5362, 5665, 5908, 6425, 6682, 6899, 6964, 6965, 6937, 6973, 7010, 7246, 7320, 7365, 7509, 7602, 7739, 7744, 7907, 7912, 7945, 7944, 8198, 8362, 8533, 8479, 8520, 8652, 8707, 8897, 9001, 8948, 9040, 9041, 9042, 9053, 9054, 9729, 9736, 9822, 9823, 9899, 10109, 10230, 10556; 8 F.R. 155, 369, 534, 1058, 1382, 2270.

(a) *Price-determining method.* The manufacturer shall establish a price-determining method and rates for use therein (labor rates, machine hour rates, overhead rates, and profit rates, etc.) for the determination of the maximum price for such machine or part, conforming so far as possible to the provisions of § 1390.7. The overhead rate so established shall be a reasonable rate in the light of the operations to be performed, and shall, so far as possible, be based on costs for items of overhead in effect on October 1, 1941. In the case of a newly constructed plant, however, the manufacturer may use as a base date for all purposes the date upon which price quotations were first made or upon which production was started in the plant, whichever is earlier, and shall use the labor rates for each classification of labor prevailing on that date in the locality of the plant, determined in accordance with § 1390.7 (b).

(b) *Reports.* The manufacturer shall file a report with the Office of Price Administration, Washington, D. C., containing (1) the proposed price-determining method and rates used in establishing maximum prices as provided in paragraph (a); (2) a description of the items for which the maximum price is to be computed under such price-determining method; (3) a representative sample of prices computed in accordance with the proposed price-determining method; (4) an explanation of the circumstances necessitating pricing under this section; (5) relevant data bearing on the price-determining method and rates to be used, including evidence that such method and rates were determined as provided in paragraph (a); (6) a statement of whether or not quantity production has been achieved or is anticipated; (7) a brief description of the newly constructed or converted plant; and (8) any other data which the Office of Price Administration may in writing require.

(c) *Maximum prices.* (1) Prices computed in accordance with the proposed method reported under paragraph (b) may be quoted or charged for thirty days prior to filing such report and may be quoted or charged thereafter until the Office of Price Administration disapproves such price in writing or requires a new filing under paragraph (b). If the Office of Price Administration approves the proposed price-determining method and the prices of the machines or parts whose maximum prices are to be computed in accordance therewith, or fails to disapprove them within thirty days after receiving such report, the maximum prices for such machines or parts shall be determined in accordance with the proposed price-determining method until a new price-determining method is proposed and reported either upon the initiative of the manufacturer or as required by the Office of Price Administration.

(2) Within thirty days after receiving such report, the Office of Price Administration may in writing disapprove the proposed price-determining method and the prices resulting from its use, and upon such disapproval the manufacturer shall file a revised price-determining method in accordance with the suggestions and directions contained in such disapproval, and the provisions of this section shall apply in all respects to such revised method. In disapproving any proposed price-determining method, the Office of Price Administration may require the manufacturer to adjust all contracts made at prices determined pursuant to such method and may require that refunds be made as to all deliveries made at prices determined pursuant to such method. Such disapproval and requirement of refunds shall, upon request of the manufacturer, be embodied in an order.

(d) Not later than six months after last filing a price-determining method which was not disapproved by the Office of Price Administration, the manufacturer shall file a report with the Office of Price Administration, Washington, D. C., containing (1) a comparison of his actual direct and indirect costs for the period under review, with the estimates on which the price-determining method being used was based and (2) so far as available, for each of the representative items for which prices were previously filed, the current price being charged, and a comparison of the actual direct and indirect costs with the estimate on which the price previously filed was based.

(e) Any manufacturer may at any time file, and the Office of Price Administration may at any time require the filing of a new or revised price-determining method in accordance with the provisions of this section, together with a representative sample of prices determined in accordance with such method.

This amendment shall become effective March 24, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 18th day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-4208; Filed, March 18, 1943; 11:52 a. m.]

PART 1404—RATIONING OF FOOTWEAR

[Ration Order 17,[1] Amendment 5]

SHOES

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 17 is amended in the following respects:

1. The following sentence is added to section 1.5 (b):

However, an applicant applying for safety shoes required to protect his health or safety because of the conditions under which he works, may be found to have "need" for them even though a member of his family has a War Ration Shoe Stamp which the applicant could use.

2. Section 2.11 (a) (2) (viii) is amended to read as follows:

(viii) Shoes (sandals), other than imported huaraches, with a heel height of 1⅛ inches or less with an open back;

3. Section 2.11 (a) (2) (ix) is added to read as follows:

(ix) Shoes which have rubber or leather in the sole only as hinges, tabs, heel inserts or other non-skid or soundproofing features covering not more than 25 percent of the area of the bottom of the sole. (Any material may be used in other parts of the shoe.)

4. The definition of "safety shoes" is added in section 3.13 to read as follows:

"Safety shoes" means protective occupational shoes incorporating one or more of the following safety features: (1) steel toe box, (2) electrical conductivity, (3) electrical resistance, (4) nonsparking, (5) molders' (Congress type) protection.

This amendment shall become effective March 24, 1943.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws, 89, 421, and 507, 77th Cong.; W.P.B. Dir. 1, 7 F.R. 562, Supp. Dir. 1–T, 8 F.R. 1727; E.O. 9125, 7 F.R. 2719)

Issued this 18th day of March 1943.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 43-4209; Filed, March 18, 1943; 11:52 a. m.]

PART 1405—FERRO-ALLOYS

[MPR 258,[1] Amendment 1]

CHROME ORES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

A new § 1405.104a is added as set forth below:

§ 1405.104a *Sales or deliveries of domestic chrome ores to dealers.* Neither the provisions of this Maximum Price Regulation No. 258, other than § 1405.108, nor the provisions of the General Maximum Price Regulation shall apply to the sale or delivery of domestic chrome ores to a dealer who buys for resale. As here used "domestic chrome ore" means any chrome ore mined within the continental United States.

This amendment shall become effective March 24, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 18th day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43-4210; Filed, March 18, 1943; 11:53 a. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 1727, 2040, 2487, 2943.

[1] 7 F.R. 9002.

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Restriction Order 1,[1] Amendment 16]

MEAT RESTRICTION

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Subparagraph (2) of paragraph (a) of § 1407.912 is amended; subparagraph (2) of paragraph (c) of § 1407.912a is amended; a new sentence is added at the end of paragraph (a) of § 1407.913; as set forth below:

§ 1407.912 *Exempt purchasers.* (a) * * *

(2) Any person, to the extent that controlled meat is delivered to him for export to any foreign country or any territory or possession of the United States other than the District of Columbia or for consumption in aircraft while in flight to foreign countries or to territories or possessions of the United States other than the District of Columbia.

* * * * *

§ 1407.912a *Deliveries permitted without charge against quotas.* * * *

(c) * * *

(2) If the exempt purchaser is a person designated in § 1407.912 (a) (2) there shall be attached to such certification a copy of the bill of lading under which the controlled meat, canned meat or sausage has been exported, or a Shipper's Export Declaration bearing the notation of an authorized customs official to the effect that the quantity of controlled meat, canned meat or sausage therein stated has been exported or loaded in aircraft for consumption while in flight to foreign countries or to territories or possessions of the United States other than the District of Columbia. In the case of aircraft, a statement to the same effect by the Army, Navy, Marine Corps or Coast Guard officer in charge of the field from which the aircraft departs may be substituted for either of the above requirements.

* * * * *

§ 1407.913 *Conversion weight factors.* (a) * * * *Provided, however,* That if the average live purchase weight of swine slaughtered during Quota Period 2 or any subsequent quota period is within 30 pounds of the average live purchase weight of swine slaughtered during the corresponding base period, the same conversion factor shall be used in computing the conversion weight of swine slaughtered during such quota period as was required to be used during the corresponding base period.

* * * * *

This amendment shall become effective as of March 20, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong., WPB Directive No. 1, Supp. Dir. No. 1–M, 7 F.R. 562, 7234)

Issued this 18th day of March 1943.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 43–4200; Filed, March 18, 1943; 11:52 a. m.]

PART 1416—COAL TAR

[MPR 192,[1] Amendment 3]

IMPORTED CRESYLIC ACID

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1416.60 (a) (1) is amended to read as follows:

(1) Net amount paid for cresylic acid naked ex works, which amount with respect to purchases made after August 5, 1942, shall not be computed at a price in excess of $.728 per U. S. gallon.

This amendment shall become effective March 24, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 18th day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–4202; Filed, March 18, 1943; 11:53 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Amendment 15 to Revised Supp. Reg. 11[2] to GMPR[3]]

MILLING, SMELTING AND REFINING OF COPPER, LEAD AND ZINC ORES, ETC.

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1499.46 (b) (iii) is added to read as follows:

(iii) Milling, smelting and refining of copper, lead and zinc ores, concentrates, mattes, speiss, bullion or blister. Further, it shall be lawful for any seller of such a service to collect and for any buyer to pay for such services heretofore rendered any sums which the seller was entitled to receive under a contract heretofore entered into even though such sums, either by themselves or together with any sums previously collected by the seller, exceed the amout which could legally have been collected prior to the date hereof.

This amendment shall become effective March 24, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 18th day of March 1943.

PRENTISS M. BROWN,
Administrator.

[F. R. Doc. 43–4201; Filed, March 18, 1943; 11:52 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter II—Forest Service

[Regulations E–1 to E–15]

PART 251—LAND USES

RIGHTS-OF-WAY FOR ELECTRIC POWER TRANSMISSION LINES

Regulations for granting easements for rights-of-way for electric power transmission lines upon and across national forest and other land administered by the Forest Service.

By virtue of the authority vested in the Secretary of Agriculture by the Act of June 4, 1897 (30 Stat. 35, 16 U.S.C. 551); the Act of February 1, 1905 (33 Stat. 628, 16 U.S.C. 472), and the Act of March 4, 1911 (36 Stat. 1253, 16 U.S.C. 523), I, Grover B. Hill, Acting Secretary of Agriculture, do make and publish the following regulations for granting easements for rights-of-way for electric power transmission lines upon and across national forest and other land under Forest Service administration, hereby revoking all previous regulations issued specifically for said purpose:

Sec.

AUTHORITY: §§ 251.50–251.64, inclusive, issued under authority of 30 Stat. 35, 16 U.S.C. 551; 33 Stat. 628, 16 U.S.C. 472, and 36 Stat. 1253, 16 U.S.C. 523.

§ 251.50 *Definitions.* For the purposes of these regulations the following words and terms shall be construed respectively to mean:

(a) "Act" means the Act of March 4, 1911 (36 Stat. 1253, 16 U. S. C. 523).

(b) "Secretary" means the Secretary of Agriculture of the United States.

(c) "Forest Service" means the Forest Service, a bureau of the Department of Agriculture.

(d) "Regional Forester" means the Regional Forester of the Forest Service region within which the transmission line is located.

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 7839, 8217, 8524, 9247, 9250, 9639, 10258, 10621, 10704; 8 F.R. 179, 375, 926, 1204, 1279, 2274, 2498.

[1] 7 F.R. 5999, 8217, 8940, 10705.

[2] 7 F.R. 6426, 6965, 7604, 7758, 8282, 8431, 8810, 9195, 9894; 8 F.R. 130, 149.

[3] 7 F.R. 3153, 3330, 3666, 3990, 3991, 4439, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5565, 5484, 5775, 5784, 5783, 6058, 6081, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435, 9615, 9616, 9732, 10155, 10454; 8 F.R. 371, 1204, 1317.

(e) "Transmission line" means the poles, towers, wires, insulators and all other structures, equipment, appliances and other facilities erected or to be erected when:

(1) The transmitted energy is generated from other than water power;

(2) The transmission line classifies as a non-primary line under the provisions of the Federal Power Act (41 Stat. 1063, as amended; 16 U. S. C. 791 *et seq.*) because it does not transmit power from a water power plant or appurtenant works to a point of junction with the distribution system or with the interconnected primary transmission system.

(f) "Easement" means a right-of-way for a period not exceeding fifty (50) years and of width not exceeding twenty (20) feet on each side of the center line of the transmission line and poles or towers granted for the purposes of constructing, operating and maintaining a transmission line over, across and upon national forest or other land under the jurisdiction of the Secretary and which under delegated authority are directly administered by the Forest Service.

(g) "Applicant" means a citizen, association of citizens or corporation of the United States making application for an easement under provisions of the Act and the regulations thereunder.

(h) "Grantee" means an applicant to whom an easement is granted. [Reg. E–1]

§ 251.51 *By whom granted.* An easement shall be granted by the Secretary and any modification of an easement shall be approved by the Secretary. [Reg. E–2]

§ 251.52 *General conditions.* The Secretary, within the limitations prescribed by the Act, shall decide the width of the right-of-way and the tenure of the easement, and shall decide the conditions to be incorporated in the easement for the protection of the public interests and for the administration, protection, development and utilization of the national forest and other land under his jurisdiction. [Reg. E–3]

§ 251.53 *Acceptance required.* The easement shall be conditioned upon the acceptance thereof by the grantee and shall not become effective unless, within sixty (60) days of the date of the easement, acceptance of the easement by the grantee shall have been evidenced in writing. If not so accepted within that period or such extension as may be approved by the Secretary, the application will be rejected. [Reg. E–4]

§ 251.54 *Consideration of application.* Consideration of an application for an easement shall be conditioned upon the filing with the Regional Forester of the application properly certified in the prescribed form and containing all the required material and data. Priority of consideration of applications shall be initiated in the order of filing of complete applications as determined by the Regional Forester. [Reg. E–5]

§ 251.55 *Contents and filing of application.* An application for an easement shall be filed with the Regional Forester and shall consist of the following, to be furnished in quadruplicate except as otherwise provided:

(a) *Form E–100 (Application for easement under the Act of March 4, 1911)*, completely filled out and certified.

(b) *Location map,* conforming to the following:

(1) *Size.* The size shall be convenient and shall be 8" x 10½", 10½" x 16", 18" x 21", 21" x 26", 21" x 34", 24" x 36", or 28" x 40".

(2) *Title.* The title shall show the name of the transmission line, the date of application on Form E–100 and the name of the engineer preparing the map.

(3) *Scale.* The scale shall be convenient, but in no case shall an inch on the map represent more than 2,000 feet. Scale shall be adequate for a clear showing of all required map detail.

(4) *Line location.* Map and field notes shall show reference lines from the nearest corner of the public land survey (if within 2 miles) to the termini of the transmission line when within a National Forest or other area administered by the Forest Service and to the points of entering and leaving the national forest or such other area if it crosses the same. When any terminus or an intersection with the national forest or other area boundary is upon land not covered by the public land survey, or when the nearest established corner of the public land survey is more than two miles distant, the tie may be made with a permanent mark on a natural object or a permanent monument which can be readily found and recognized. The relationship may be shown by the traverse or the straight line distance and bearing may be computed. The field notes shall give an accurate description of the natural object or monument.

When the transmission line crosses land covered by the public land survey, the map and field notes shall also show the intersection of the survey line with the section lines of the public land survey. Such intersections shall be referenced by course and distance to the nearest existing corner along the section lines intersected if such corner is within one-half mile. If no corner of the public land survey exists or can be found within a half mile of the survey line, this fact may be noted on the map and in the field notes and the reference omitted. Also, under such conditions the field notes shall show the location of the center line of the transmission line by the bearing and distance of each course. Similar survey data for the location of the center line will be required in other cases unless this requirement is specifically waived by the Regional Forester.

For areas within the boundaries of a National Forest or other area administered by the Forest Service, the map shall also show all lines of public land subdivisions by official survey, the protractions on unsurveyed public land of section and township lines and the status as to ownership of lands, designating separately lands patented and lands of the United States reserved, unreserved, entered or otherwise embraced in an unperfected claim under the public land laws.

(5) *Certificate of applicant.* A certificate in the following form shall be lettered or typed on the tracing of the location map and shall be completed and signed:

This map is a part of the application for an easement made by the undersigned this ---------- day of ----------, 19--.

Name of Applicant.

By ----------

(c) *Field notes,* duly certified and showing the courses and distances of the survey and the required ties to corners, permanent marks on natural objects or permanent monuments except when such courses, distances and ties are completely and clearly shown on the location map. The paper size shall be 8" x 10½" or 8½" x 11".

(d) *Diagrammatic map,* when deemed necessary by the Regional Forester for a determination of whether an easement may be granted or a license under the Federal Power Act, *supra,* is required. Such maps shall show the relationship of connected generating plants and lines, need not be drawn to scale, shall be at least 8" x 10½" in size and shall show:

(1) Position of the transmission line in the system and the functions it performs as part of the power system.

(2) Source of power and whether the transmission line connects directly with a hydro-electric plant, a steam plant, another line or a substation.

(3) Capacity of the transmission line and relation of its capacity to that of the generating plant or line to which it connects.

(4) Relation of voltage and phase of the transmission line to that of the line from which energy is received.

(5) Contemplated use of energy delivered.

(e) *General description and specifications for transmission line and contemplated use or market for power,* covering voltage, phase and capacity of the transmission line; number, size and material of wires; height, material and ordinary spacing of poles or towers; National or other design and erection specifications to be followed; power plant or plants at which transmitted energy is generated; whether the energy is generated by water or other source of power; and where, in what amount and for what purposes the transmitted energy is expected to be utilized. The paper size shall be 8" x 10½" or 8½" x 11".

(f) *Showing as to status of applicant*—(1) *For an individual.* One sworn statement that the applicant is a citizen of the United States.

(2) *For an association of individuals.* One sworn statement of each member that he is a citizen of the United States, together with a certified copy of the articles of association except when a certified copy is already on file in the office of the Regional Forester or when a copy has been filed with and accepted by the Federal Power Commission. If there be no articles of association, that fact must be stated over the signature of each member together with a sworn statement by at least one member that those signing the statement are all of the members of the association.

(3) *For a private corporation.* (i) One copy of the charter or articles of incorporation duly certified by its secretary under the seal of the corporation or by the Secretary of State in which it was incorporated, except when a duly certified copy is already on file in the office of the Regional Forester or when a duly certified copy has been filed with and accepted by the Federal Power Commission.

(ii) When the easement applied for is located in a State other than that in which the applicant was incorporated, one certificate by the proper officer of the State in which the easement is located that the applicant has complied with the laws of such State governing foreign corporations to the extent required to entitle the applicant to operate in such State, except when satisfactory evidence of such compliance is already on file in the office of the Regional Forester or with the Federal Power Commission.

(4) *For a public corporation.* One copy of the law under which it was organized. [Reg. E–6]

§ 251.56 *Extension of construction period.* An extension of the period specified in the easement for beginning and completing construction may be granted by the Secretary. Such an extension will be granted only after a showing is made by the grantee to the satisfaction of the Secretary that compliance with the periods specified in the easement has been prevented by difficulties that could not reasonably have been foreseen or by other special and peculiar causes beyond the control of the grantee. [Reg. E–7]

§ 251.57 *Annual charges.* Unless otherwise provided in the easement, the grantee shall pay annually, in advance, such reasonable charges as may be specified by the Secretary. Deposit of the charges for a full year shall be made prior to the grant of the easement. [Reg. E–8]

§ 251.58 *Transfer of easement.* Transfer of the easement to any citizen, association of citizens or corporation of the United States shall be conditioned upon:

(a) The transferor and the transferee filing with the Regional Forester an application in quadruplicate on Form E–104 subscribed to jointly by the transferor and transferee, and certified copies of instrument of conveyance, judgment, will, contract or sale whereby title to the property is conveyed;

(b) Acceptance by the transferee of the conditions in the easement and such additional conditions as the Secretary may prescribe;

(c) Written evidence of the Secretary's approval of the transfer. [Reg. E–9]

§ 251.59 *Deviations during construction.* Material deviations during construction from the location shown in the application shall not be made except with the prior approval of the Secretary and such deviation will not be allowed if it will interfere with the occupancy and use under existing permits, easements or licenses of lands administered by the Forest Service. If after the completion of construction there are any deviations in location from that shown upon the original map or approved amendments thereof, a supplemental map prepared in the manner prescribed for original maps of location shall be filed with the Regional Forester within six (6) months after completion of construction. Application for approval of any material deviation during construction and other changes in the location shown upon the application maps shall be filed with the Regional Forester in quadruplicate on Form E–103 and in accordance with the specific conditions in the easement. [Reg. E–10]

§ 251.60 *Forfeiture or annulment of easement.* The Secretary may declare an easement forfeited or annulled for nonuse for a period of two (2) years or for abandonment. Such action shall not be taken until the grantee has been given not less than thirty (30) days' written notice of the contemplated action. [Reg. E–11]

§ 251.61 *Abandonment with approval of Secretary.* An easement may be abandoned or surrendered with the approval of the Secretary upon fulfillment by the grantee of such obligations under the easement as the Secretary may prescribe, and if the transmission line authorized by the easement has been constructed in whole or in part, then upon such conditions with respect to the disposition of the transmission line as may be prescribed by the Secretary. [Reg. E–12]

§ 251.62 *Remedies upon breach by grantee.* Upon breach by the grantee of any of the terms or conditions set forth in these regulations or in the easement, the United States may enforce appropriate remedy therefor by injunction, action for damages or otherwise. If any such breach shall be continued or repeated after thirty (30) days' written notice thereof, given in behalf of the United States to the grantee, the easement granted, together with all rights thereunder and all charges and other moneys paid thereon, may be forfeited to the United States by a suit for that purpose in any court of competent jurisdiction. [Reg. E–13]

§ 251.63 *Removal of transmission line upon forfeiture, annulment or abandonment.* The transmission line shall be removed from the easement or otherwise disposed of as prescribed by the Secretary within twelve (12) months after the declaration by the Secretary of the forfeiture or annulment of the easement or the approval by the Secretary of the abandonment or surrender thereof. If the transmission line is not so removed or disposed of it and every part thereof shall be and become the property of the United States. [Reg. E–14]

§ 251.64 *Modification of easement.* An application for modification of an easement shall be filed with the Regional Forester in quadruplicate on Form E–103 and the grantee shall furnish such data and information as may be requested by the Regional Forester. Approval of a modification shall be conditioned upon the acceptance in writing by the grantee of all the terms and conditions thereof. [Reg. E–15]

Issued this 16th day of March 1943.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 43–4150; Filed, March 17, 1943; 11:49 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. D–13]

HOLMES–DARST COAL CORP.

ORDER OF THE DIRECTOR

In the matter of the application of Holmes-Darst Coal Corporation for permission to receive sales agents' commissions and distributors' discounts on coal sold to certain retail yards in which it is financially or otherwise interested.

Upon the basis of the Findings of Fact and Conclusions of Law set forth in the Opinion of the Director, filed simultaneously herewith, wherein it appears that application was made by petitioner, Holmes-Darst Coal Corporation, a registered distributor (Registration No. 4454), for permission to accept or retain distributors' discounts or sales agents' commissions on coal purchased for resale or sold by petitioner to Wm. M. Coady Coal Company, Horne Coal Company, North State Fuel Company, J. F. Phillips Coal Company, Claude M. Trawick Coal Company, Wright Coal Company and Yadkin Fuel Company and C. L. Bolton Coal Co., Inc.,

It is hereby ordered and determined, That the acceptance or retention of distributors' discounts or sales agents' commissions on coal sold by petitioner, Holmes-Darst Coal Corporation to the Wm. M. Coady Coal Company, Horne Coal Company, North State Fuel Company, J. F. Phillips Coal Company, Claude M. Trawick Coal Company, Wright Coal Company, and Yadkin Fuel Company is not prohibited by § 317.10 (*Miscellaneous provisions*—(c) *Effect of control by retail purchaser*) of the Rules and Regulations for the Registration of Distributors, § 318.2 (j) (*Sales Agents*) of the Marketing Rules and Regulations, and by the provisions of the Bituminous Coal Act of 1937 and the Rules and Regulations thereunder, and that the relief prayed for herein should in this respect be granted.

It is further ordered and determined, That the acceptance or retention of distributors' discounts or sales agents' commissions on coal sold by petitioner, Holmes-Darst Coal Corporation to C. L. Bolton Coal Co., Inc., is prohibited by § 317.10 (c) of the Rules and Regulations for the Registration of Distributors, § 318.2 (j) of the Marketing Rules and Regulations, and by the provisions of the Act and the Rules and Regulations

thereunder, and that the relief prayed for herein should in this respect be denied.

Dated: March 17, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-4155; Filed, March 17, 1943; 12:08 p. m.]

[Docket No. A-1603]

SPRINGFIELD COAL CORP.

ORDER CANCELLING HEARING AND TERMINATING PROCEEDINGS

In the matter of the petition of Springfield Coal Corporation, operator of Springfield No. 5 Mine, Mine Index No. 153, for approval of agreement to purchase 400 net tons of coal per day from F. R. Maurer and T. F. Price, a co-partnership, doing business as Maurer and Price, operator of the Carnwath No. 6 (S), Mine Index No. 3705, and Carnwath No. 7 (D) Mine, Mine Index No. 3706; for changes in freight origin group numbers and shipping points for the coals of Mine Index Nos. 3705 and 3706; and for permission to mix the coals of these mines.

The above-entitled matter having been established for hearing on March 16, 1943, at 10 o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division, Washington, D. C., by an Order issued herein on February 23, 1943; and

A petition for leave to discontinue the above-mentioned proceedings having been filed herein by the above-named petitioner; and

The Director being of the opinion that good cause for the granting of said petition has been shown, and that said hearing should be cancelled and said proceedings herein terminated;

Now, therefore, it is ordered, That said petition be and the same hereby is granted and that said hearing be and the same hereby is cancelled and that the said proceedings hereby are terminated.

Dated: March 15, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-4154; Filed, March 17, 1943; 12:08 p. m.]

[Docket No. A-1870]

DISTRICT BOARD 1

ORDER GRANTING REQUEST TO POSTPONE HEARING AND POSTPONING HEARING

In the matter of the petition of the Bituminous Coal Producers Board for District No. 1, requesting permission to mix coals of Mine Index Nos. 2081 and 2010; and to mix coals of Mine Index Nos. 1654, 683, 3204 and 2886.

The above-entitled matter having been heretofore scheduled for hearing on March 16, 1943, at 10 o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division, Washington, D. C., by an order issued herein on March 1, 1943; and

A request that said hearing be postponed for a period of thirty (30) days having been filed herein by the above-named petitioner; and

The Director being of the opinion that good cause for the granting of said request has been shown, and that said hearing should be postponed;

Now, therefore, it is ordered, That said request be and the same hereby is granted and that said hearing be and the same hereby is postponed for March 16, 1943, at 10 o'clock in the forenoon of that day to April 16, 1943, at 10 o'clock in the forenoon of that day, at the place and before the officer or officers heretofore designated.

It is further ordered, That said order issued herein on March 1, 1943, shall, in all other respects, remain in full force and effect.

Dated: March 15, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-4153; Filed, March 17, 1943; 12:08 p. m.]

[Docket No. A-1897]

DISTRICT BOARD 2

NOTICE OF AND ORDER FOR HEARING AND ORDER DENYING REQUEST FOR TEMPORARY RELIEF

In the matter of the petition of District Board No. 2 for the establishment of an additional price exception in the schedule of effective minimum prices for District No. 2 for all shipments except truck.

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on April 13, 1943, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, Washington, D. C. On such day the Chief of the Records Section will advise as to the room where such hearing will be held.

It is further ordered, That Charles O. Fowler, or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before April 7, 1943.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the original petition filed in the above-entitled matter by District Board No. 2 requesting the establishment of an additional Price Exception in the Schedule of Effective Minimum Prices for District No. 2 For All Shipments Except Truck to read substantially as follows:

In order to expedite the production and distribution of bituminous coal during the period of the present National emergency, any Code Member who is now making rail shipments of coal may, until further order of the Director, make such shipments from any loading point located within reasonable proximity to the loading point or points presently established for his mine or mines: *Provided,* Such additional loading facilities are located on the same railroad or railroads and are within the same original freight rate zone or zones which are included within the boundaries of the freight origin group number or numbers presently assigned by the Division to such mine or mines or within another freight origin group taking the same adjustments; and *Provided, further,* That the Code Member desiring to make such shipments from such additional loading point or points shall have notified in writing the Division and the District Board of the intention to use such additional facility or facilities, describing their location and stating the necessity for such use.

It is further ordered, That the request for temporary relief be, and the same hereby is, denied without prejudice to the renewal of such request for temporary relief, upon further showing or upon the basis of the record to be made at the hearing to be held herein.

Dated: March 16, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-4156; Filed, March 17, 1943; 12:08 p. m.]

[Docket No. A-1853]

DISTRICT BOARD 6

ORDER GRANTING TEMPORARY RELIEF

In the matter of the petition of District Board No. 6 requesting the establishment of a temporary change in shipping point for the coals of the Rivercoal, Inc. Mine, Mine Index No. 29 of Rivercoal, Inc.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment of a temporary change in the shipping point from Moundsville, West Virginia on the Baltimore & Ohio Railroad to South Wheeling (Wheeling), West Virginia on the Pennsylvania Railroad, for the coals of Rivercoal, Inc., Mine Index No. 29 of Rivercoal, Inc,; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 6 For All Shipments Except Truck is supplemented to include a change in shipping point from Moundsville, West Virginia on the Baltimore & Ohio Railroad to South Wheeling (Wheeling), West Virginia on the Pennsylvania Railroad for the coals of Rivercoal Inc. Mine, Mine Index No. 29 of Rivercoal, Inc.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall terminate sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: March 16, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-4170; Filed, March 18, 1943; 10:45 a. m.]

[Docket No. A-1856]

DISTRICT BOARD 11

ORDER DISMISSING PETITION AND CANCELLING HEARING

In the matter of the petition of District Board No. 11 for establishment of minimum prices for raw and for washed stoker coals for shipment to MStP&SSM Railway for locomotive use.

District Board No. 11, having filed an original petition in the above-entitled matter pursuant to section 4 II (d) of the Bituminous Coal Act of 1937; and

A hearing in the above-entitled matter having been heretofore scheduled to be held on March 23, 1943; and

A motion having been filed by District Board No. 11 requesting that its petition in this matter be dismissed without prejudice;

Now, therefore, it is ordered, That the petition of District Board No. 11 in the above-entitled matter be, and it hereby is, dismissed without prejudice to the original petition herein.

It is further ordered, That the hearing in this matter heretofore scheduled to be held on March 23, 1943, be, and it hereby is, cancelled.

Dated: March 16, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-4171; Filed, March 18, 1943; 10:45 a. m.]

[Docket No. A-1812]

DISTRICT BOARD 17

ORDER CANCELLING HEARING AND DISMISSING PETITION

In the matter of the petition of District Board No. 17 for the elimination of Price Instruction and Exception No. 15 from the schedule of effective minimum prices for District No. 17 for all shipments.

The original petitioner having moved that its petition in the above-entitled matter be dismissed without prejudice, and it appearing that there is no objection thereto;

Now, therefore, it is ordered, That the hearing scheduled to be held in the above-entitled matter on March 22, 1943, at a hearing room of the Bituminous Coal Division at Denver, Colorado, be, and it hereby is, cancelled.

It is further ordered, That the original petition in the above-entitled matter be, and it hereby is, dismissed.

Dated: March 17, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-4169; Filed, March 18, 1943; 10:44 a. m.]

[Docket No. B-357]

HUDSON COAL CO.

ORDER CHANGING PLACE OF HEARING

The above-entitled matter having been heretofore scheduled for hearing on March 29, 1943 at 10 a. m. at the Court Room, Salt Lake Court, Salt Lake City, Utah; and

The Director deeming it advisable that said place of hearing be changed;

It is therefore ordered, That the hearing in the above-entitled matter be changed from the Court Room, Salt Lake Court, Salt Lake City, Utah to a hearing room of the Division, Newhouse Hotel, Salt Lake City, Utah at the time heretofore designated and before the officer previously designated to preside at said hearing.

Dated: March 17, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-4173; Filed, March 18, 1943; 10:44 a. m.]

[Docket No. 1516-FD]

STONE MINING COMPANY, INC.

ORDER POSTPONING HEARING, ETC.

Order postponing hearing, changing place of hearing, and requiring witnesses to appear and testify at said postponed hearing.

The above entitled matter having been reopened and a hearing herein having been scheduled on March 18, 1943, at 10:00 a. m., at a hearing room of the Bituminous Coal Division at the Daviess Circuit Court, Owensboro, Kentucky, pursuant to an Order Reopening Matter and Notice of and Order for Hearing entered herein on March 6, 1943; and

Subpoenas having been issued against Clifton G. Stone and Ethel C. Harris, both of Evansville, Indiana, requiring each of them to appear before the presiding officer at said hearing at the time and place aforesaid to testify and give evidence in the above entitled matter and to bring with each of them and to produce at the time and place aforesaid certain books and records; and

Subpoenas having been issued against Henry Miller, Herb Addington, both of Boonville, Indiana, and George Kissinger of Evansville, Indiana, requiring each of them to appear before the presiding officer at said hearing at the time and place aforesaid to testify and to give evidence in the above entitled matter; and

The director deeming it advisable that said hearing should be postponed and the place of hearing changed:

Now therefore it is ordered, That the hearing in the above entitled reopened matter be and the same hereby is postponed from March 18, 1943, at 10:00 a. m., at a hearing room of the Bituminous Coal Division, at the Daviess Circuit Court, Owensboro, Kentucky, to March 27, 1943, at 10:00 a. m., at a hearing room of the Bituminous Coal Division at Vanderburgh County Courthouse, Evansville, Indiana.

It is further ordered, That said Clifton G. Stone and Ethel C. Harris appear before the duly designated presiding officer at 10:00 a. m. on March 27, 1943 at a hearing room of the Bituminous Coal Division at Vanderburgh County Courthouse, Evansville, Indiana, to testify and give evidence in the above entitled matter to bring with each of them and to produce on March 27, 1943 at the time and place aforesaid certain books and records as described in said subpoenas.

It is further ordered, That George Kissinger, Henry Miller, and Herb Addington appear before the duly designated presiding officer at 10:00 a. m. on March 27, 1943 at a hearing room of the Bituminous Coal Division at Vanderburgh County Courthouse, Evansville, Indiana to testify and give evidence in the above entitled matter as required by said subpoenas.

It is further ordered, That said Order Reopening Matter and Notice of and Order for Hearing shall in all respects re-

main in full force and effect except as herein modified.

Dated: March 16, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-4174; Filed, March 18, 1943; 10:44 a. m.]

[Docket No. B-277]

MARKET STREET COAL CO.

ORDER POSTPONING HEARING

In the matter of J. H. Cox and R. L. Stulce, individually and as partners doing business under the name and style of Market Street Coal Company, code member.

Order postponing hearing and requiring witnesses to appear and testify at said postponed hearing.

The above-entitled matter having been scheduled for hearing on March 20, 1943, at 9 a. m. at a hearing room of the Bituminous Coal Division, at the Hamilton County Court House, Chattanooga, Tennessee, pursuant to an Order dated March 9, 1943; and

J. H. Cox, R. L. Stulce, J. E. Moreland, Sol Dubrow, Pavlow & Company, and Lookout Oil & Refining Company, all of Chattanooga, Tennessee, having been duly served with subpoenas requiring J. H. Cox, R. L. Stulce, J. E. Moreland, Sol Dubrow, and any officer or member of Pavlow & Company and Lookout Oil & Refining Company to appear before the presiding officer at said hearing at the time and place aforesaid, to testify and give evidence in the above-entitled matter and to bring with each of them, and to produce at the time and place aforesaid, certain books and records; and

The Director deeming it advisable that said hearing should be postponed;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and the same hereby is, postponed from March 20, 1943 at 9 a. m. at a hearing room of the Bituminous Coal Division at the Hamilton County Court House, Chattanooga, Tennessee, to March 24, 1943, at 10 a. m. at a hearing room of the Bituminous Coal Division, at the Hamilton County Courthouse, Chattanooga, Tennessee; and

It is further ordered, That J. H. Cox, R. L. Stulce, J. E .Moreland, and Sol Dubrow, and any officer or member of Pavlow & Company and Lookout Oil & Refining Company, all of Chattanooga, Tennessee, appear before the presiding officer on March 24, 1943, at 10 a. m. at a hearing room of the Bituminous Coal Division, at the Hamilton County Courthouse, Chattanooga, Tennessee, to testify and give evidence in the above-entitled matter and to bring with each of them and to produce at the time and place aforesaid, certain books and records as described in said subpoenas.

It is further ordered, That the Notice of and Order for Hearing herein dated June 25, 1942 shall, in all other respects, remain in full force and effect.

Dated: March 17, 1943.

[SEAL] DAN H. WHEELER, *Director.*

[F. R. Doc. 43-4172; Filed, March 18, 1943; 10:44 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Supplemental Order 98-A to Commission Order 98]

RATES FOR GOVERNMENT COMMUNICATIONS BY TELEGRAPH

DAY LETTER LONGRAMS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 16th day of March 1943;

The Commission having under consideration paragraph 4 of its Order No. 98,[1] in connection with the new message telegraph classification known as Day Letter/Longrams, established February 1, 1943, and paragraph 12 of its Order No. 98, in connection with the amendment of section 5266 of the Revised Statutes, as amended (U.S.C., 1940 Edition, Title 47, section 3), effected by section 6 of Public Law 4, 78th Congress, 1st Session, approved March 6, 1943;

It is ordered: (1) That, until and including the 30th day of June 1943, each Day Letter/Longram between the several departments of the Government and their officers relating exclusively to the public business shall be sent at a charge not exceeding 80 percentum of the charge applicable to a like commercial Day Letter/Longram between the same points in the United States, or 60 percentum of the charge for such message computed at the following rates, whichever shall produce the lower charge for the particular message: for the first 50 words or less, one and one-half times the 10-word Day Message (Telegram) rate between the same points, and for each additional 10 words or less, one-fifth of the initial 50-word rate: *Provided, however,* That the charge for a serial Longram shall not exceed 80 percentum of the charge applicable to a like commercial serial Longram; that a Day Letter/Longram shall be charged for as a Day Letter/Longram as above provided or as a Day Message, according to which of these classifications shall produce the lower charge for the particular message; that when the first section of a serial Longram is not followed by another on the same day, it shall be charged for as a Day Letter/Longram as above provided, or as a Day Message, according to which of these two classifications shall produce the lower charge for the particular message; that when more than one section of a serial Longram is filed on the same day the sections shall be charged for at serial Longram rates, or at Serial rates, or each section of the serial Longram shall be charged for as a Day Letter/Longram as above provided, or as a Day Message, according to which of these four classifications shall produce the lowest total charge: *And provided further,* That the minimum charge for Day Letter/Longrams shall be 45 cents and for serial Longrams 60 cents, unless either of these amounts shall be greater than the minimum for a corresponding commercial message, in which event the provisions set forth in paragraph 5 of Order No. 98 shall apply.

2. That on and after March 6, 1943, the words "telegraph communications between the several departments of the Government and their officers and agents", wherever they appear in Order No. 98, shall be construed to mean "telegraph communications between the several departments of the Government and their officers, relating exclusively to the public business"; and paragraph numbered 12 of Order No. 98 shall be disregarded and have no effect.

3. That this supplemental order shall be effective immediately.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 43-4182; Filed, March 18, 1943; 11:08 a. m.]

[1] 7 F.R. 4124.

[Docket No. 6492]

RED LANDS BROADCASTING ASSOCIATION (KRBA)

NOTICE OF HEARING

In re application of Ben T. Wilson, R. A. Corbett and Thomas W. Baker, Copartners, d/b as Red Lands Broadcasting Association (KRBA); Dated July 31, 1942; for voluntary assignment of license; class of service, broadcast; class of station, broadcast; location, Lufkin, Texas; operating assignment specified: Frequency, 1340 kc.; power, 250 w.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for a consolidated hearing with Docket No. 6491, for the following reasons:

1. To obtain full information as to the qualifications of the proposed assignee to own, operate and finance Station KRBA.

2. To obtain full information with respect to the promotion, financing, construction, ownership, management, operation and control of Station KRBA.

3. To determine whether any rights granted in the license to Red Lands Broadcasting Association (Station KRBA) have been transferred, assigned or in any manner disposed of, without the consent in writing of the Commission, in violation of section 310 (b) of the Communications Act of 1934, as amended.

4. To determine what contracts, agreements or understandings, written or oral, which have been made or which now exist with reference to the ownership, supervision and/or control of Station KRBA, between the licensee of said station and the proposed assignee and other persons.

5. To determine whether the representations and statements submitted to the Commission, in records filed by the licensee, its officers and agents, with respect to the ownership, management, and control of Station KRBA truly and accurately reflect the facts.

6. To determine whether applicants have made full and complete disclosure of all the material facts affecting the proposed assignment of the license of Station KRBA, and particularly the actual consideration, if any, to be paid or promised to be paid, by the proposed assignee to the proposed assignor.

7. To determine whether in view of the facts adduced under the foregoing issues, public interest, convenience or necessity would be served by granting the instant application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Red Lands Broadcasting Association, B. T. Wilson, President, Radio Station KRBA, 108½ South First Street, Lufkin, Texas.

Dated at Washington, D. C., March 17, 1943.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 43-4180; Filed, March 18, 1943; 11:08 a. m.]

[Docket No. 6491]

RED LANDS BROADCASTING ASSOCIATION (KRKA)

NOTICE OF HEARING

In re application of Ben T. Wilson, R. A. Corbett and Thomas W. Baker, Copartners, d/b as Red Lands Broadcasting Association (KRBA); dated July 30, 1942; for renewal of license; class of service, broadcast; class of station, broadcast; location, Lufkin, Texas; operating assignment specified: Frequency, 1340 kc.; power, 250 w.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for a consolidated hearing with Docket No. 6492, for the following reasons:

1. To obtain full information as to qualifications of the applicant to operate Station KRBA.

2. To obtain full information with respect to the promotion, financing, construction, ownership, management, operation and control of Station KRBA.

3. To determine whether any rights granted in the license to Red Lands Broadcasting Association (Station KRBA) have been transferred, assigned or in any manner disposed of, without the consent in writing of the Commission, in violation of section 310 (b) of the Communications Act of 1934, as amended.

4. To determine what contracts, agreements or understandings, written or oral, which have been made or which now exist with reference to the ownership, supervision and/or control of Station KRBA, between the licensee of said station and the proposed assignee and other persons.

5. To determine whether the representations and statements submitted to the Commission, in records filed by the licensee, its officers and agents, with respect to the ownership, management and control of Station KRBA truly and accurately reflect the facts.

6. To determine whether applicants have made full and complete disclosure of all the material facts affecting the proposed assignment of the license of Station KRBA, and particularly the actual consideration, if any, to be paid or promised to be paid, by the proposed assignee to the proposed assignor.

7. To determine whether in view of the facts adduced under the foregoing issues, public interest, convenience or necessity would be served by granting the instant application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Red Lands Broadcasting Association, B. T. Wilson, President, Radio Station KRBA, 108½ South First Street, Lufkin, Texas.

Dated at Washington, D. C., March 17, 1943.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 43-4181; Filed, March 18, 1943; 11:08 a. m.]

FEDERAL SECURITY AGENCY.

Food and Drug Administration.

[Dockets Nos. FDC-21 (a), and FDC-31 (a)]

DEFINITIONS AND STANDARDS OF ENRICHED FLOURS, ETC.

NOTICE OF HEARING

In the matter of amended definitions and standards of identity for enriched flour, enriched bromated flour, enriched self-rising flour, and enriched farina; and in the matter of a definition and standard of identity for enriched bread and enriched rolls or enriched buns.

Notice is herby given that the Administrator of the Federal Security Agency, in accordance with the provisions of the Federal Food, Drug, and Cosmetic Act, secs. 401 and 701, 21 U.S.C. secs. 341 and 371 (Supp. V, 1939), will hold a public hearing commencing at 10 o'clock on the morning of April 19, 1943, in Room 1409, South Building, Independence Avenue between 12th and 14th Streets, SW., Washington, D. C. for the purpose of receiving evidence upon the basis of which regulations may be promulgated amending the definitions and standards of identity for enriched flour, enriched bromated flour, enriched self-rising flour, and enriched farina (6 F.R. 2579-82); and for the purpose of receiving additional evidence relating to the use of certain vitamins and minerals in enriched bread and enriched rolls or buns, for which definitions and standards of identity were suggested in 6 F.R. 2772.

The specific suggestions to be considered at the hearing are set forth below. It is not to be inferred from the fact that these suggestions are made that they represent the views of the Federal Security Agency or that evidence concerning them will be adduced by the Agency. Interested persons are notified that the hearing is a fact-finding proceeding and that such suggestions are subject to adoption, rejection, amendment, or modification, in whole or in part, as the evidence of record may require. No evidence will be received which is not relevant and material to the use of the vitamins and minerals named in such suggestions.

Alanson W. Willcox is hereby designated as Presiding Officer to conduct the hearing in the place of the Administrator, with full authority to administer oaths and affirmations and to do all other things appropriate to the conduct of the hearing.

The hearing will be conducted in accordance with the rules of practice provided for such hearings as published in 21 Code of Federal Regulations, §§ 2.701 to 2,715 (Supp. 1939).

In lieu of personal appearance, interested persons may proffer affidavits by delivering them to the Presiding Officer at Room 2242, South Building, Independence Avenue between 12th and 14th Streets SW., Washington, D. C., not later than 10 o'clock in the morning of the day of the opening of the hearing. Such affidavits must be submitted in quintuplicate and, if relevant and material, may be received and made a part of the record at the hearing, but the Administrator will consider the lack of opportunity for cross-examination in determining the weight to be given to statements in the affidavits. Every interested person will be permited to examine the affidavits proffered and to file with the Presiding Officer during the hearing affidavits counter to relevant and material statements of fact and opinion in such original affidavits.

Suggestions relating to the definitions and standards of identity for enriched flour, enriched bromated flour, and enriched self-rising flour. It is suggested that such definitions and standards be amended:

(1) By changing the minimum and maximum limits for vitamin B_1, niacin, and iron to the following:

	Milligrams per pound of the food	
	Minimum	Maximum
Vitamin B_1	2.0	4.0
Niacin	16.0	32.0
Iron	13.0	26.0

(2) By changing the maximum limit for riboflavin to 2.4 milligrams per pound of the food.

Suggestions relating to enriched bread and enriched rolls or buns. It is suggested that definitions and standards of identity be prescribed for enriched bread and enriched rolls or enriched buns, which provide for the use of vitamin B_1, niacin, riboflavin, iron, calcium, and vitamin D, and that the minimum and maximum limits for such vitamins and minerals be as follows:

	Minimum	Maximum
Vitamin B_1	1.1	2.2 mgs. per lb. of the food.
Niacin	10.0	20.0 mgs. per lb. of the food.
Riboflavin	0.7	1.4 mgs. per lb. of the food.
Iron	8.0	16.0 mgs. per lb. of the food.
Calcium	300	600 mgs. per lb. of the food.
Vitamin D	150	600 U. S. P. units per lb. of food.

Additional suggestions to be considered. Testimony will also be received with respect to the suggestions embodied in the following questions:

(1) Shall calcium be designated as a required ingredient instead of an optional ingredient in the definitions and standards of identity for enriched flour, enriched bromated flour, and enriched self-rising flour, and shall its maximum limit be changed to 1,000 milligrams per pound of the food?

(2) Shall the minimum limits be changed in the definition and standard of identity for enriched farina, and shall maximum limits be provided, for vitamin B_1, niacin, riboflavin, iron, calcium, and vitamin D as follows:

	Minimum	Maximum
Vitamin B_1	2.0	4.0 mgs. per lb. of food.
Niacin	16.0	32.0 mgs. per lb. of food.
Riboflavin	1.2	2.4 mgs. per lb. of food.
Iron	13.0	26.0 mgs. per lb. of food.
Calcium	3,000	6,000 mgs. per lb. of food.
Vitamin D	3,200	6,400 U. S. P. units per lb. of food.

(3) Shall calcium and vitamin D be designated as required ingredients instead of optional ingredients in the definition and standard of identity for enriched farina?

(4) Shall calcium be designated as a required ingredient in definitions and standards of identity for enriched bread and enriched rolls or enriched buns?

[SEAL] WATSON B. MILLER,
Acting Administrator.

MARCH 17, 1943.

[F. R. Doc. 43-4179; Filed, March 18, 1943; 11:06 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Special Order ODT B-38]

PENNSYLVANIA GREYHOUND LINES, INC., AND THE LAKE SHORE COACH CO.

COORDINATED OPERATION BETWEEN TOLEDO AND NORWALK, OHIO

Upon consideration of the application for authority to coordinate motor vehicle service in the transportation of passengers, filed with the Office of Defense Transportation by Pennsylvania Greyhound Lines, Inc. and The Lake Shore Coach Company, pursuant to § 501.49 of General Order ODT 11, as amended (7 F.R. 4389, 11099), and in order to assure maximum utilization of the facilities, services, and equipment of common carriers of passengers by motor vehicle, and to conserve and providently utilize vital equipment, material and supplies, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered,* That:

1. Pennsylvania Greyhound Lines, Inc., Cleveland, Ohio, and The Lake Shore Coach Company, Sandusky, Ohio, (hereinafter called "carriers"), respectively, in the transportation of passengers on the routes served by them between Norwalk, Ohio, and Toledo, Ohio, as common carriers by motor vehicle, shall:

(a) Adjust and establish schedules to eliminate duplication of times of departure of the respective carriers and provide reasonable frequency of service throughout the day;

(b) Wherever practicable eliminate duplicate depot facilities and commission ticket agencies and, in lieu thereof, utilize joint depot facilities and joint commission ticket agencies. Contracts, agreements and arrangements for any such joint facilities and agencies shall not extend beyond the effective period of this order. At such depot facilities and commisison ticket agencies used jointly by the carriers, service, travel information and ticket sales shall be impartial, without preference or discrimination for or against either of such carriers.

2. Pennsylvania Greyhound Lines, Inc. shall provide passenger service for any intrastate passengers moving between Toledo, Ohio, and Norwalk, Ohio, and to, from or between all intermediate points, who hold tickets for transportation issued by The Lake Shore Coach Company.

3. The carriers forthwith shall file with the Interstate Commerce Commission in respect of transportation in interstate or foreign commerce, and with each appropriate State regulatory body in respect of transportation in intrastate commerce, and publish in accordance with law, and continue in effect until further order, tariffs or appropriate supplements to filed tariffs, setting forth any changes in the fares, charges, operations, rules, regulations and practices of each carrier which may be necessary to accord with the provisions of this order; and forthwith shall apply to said Commission and each such regulatory body for special permission for such tariffs or supplements to become effective on one day's notice.

4. Communications concerning this order should be addressed to the Division of Local Transport, Office of Defense Transportation, Washington, D. C., and should refer to "Special Order ODT B-38".

This order shall become effective March 27, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 13th day of March 1943.

JOSEPH B. EASTMAN,
Director, Office of Defense Transportation.

[F. R. Doc. 43-4185; Filed, March 18, 1943; 11:47 a. m.]

[Special Order ODT B-39]

NORTHERN PACIFIC TRANSPORT CO. AND BURLINGTON TRANSPORTATION CO.

COORDINATED OPERATION BETWEEN BILLINGS, MONTANA, AND WYOMING-MONTANA STATE LINE

Upon consideration of the application for authority to coordinate motor vehicle service in the transportation of passengers filed with the Office of Defense Transportation by Northern Pacific Transport Company, Billings, Montana, and Burlington Transportation Company, Chicago, Illinois, pursuant to § 501.49 of General Order ODT 11, as amended (7 F.R. 4389, 11099), and in order to assure maximum utilization of the facilities, services, and equipment of common carriers of passengers by motor vehicle, and to conserve and providently utilize vital equipment, material and supplies, the attainment of which purposes is essential to the successful prosecution of the war, *it is hereby ordered,* That:

1. Northern Pacific Transport Company, Billings, Montana, and Burlington Transportation Company, Chicago, Illinois, (hereinafter called "carriers"), respectively, in the transportation of passengers on the routes served by them between Billings, Montana, and the Wyoming-Montana State Line, via Bridger, Montana, over U. S. Highway No. 310, as common carriers by motor vehicle, shall:

(a) Adjust and establish schedules to eliminate duplication of times of departure of the respective carriers and provide reasonable frequency of service throughout the day;

(b) Wherever practicable eliminate duplicate depot facilities and commission ticket agencies and, in lieu thereof, utilize joint depot facilities and joint commission ticket agencies. Contracts, agreements, and arrangements for any such joint facilities and agencies shall not extend beyond the effective period of this order. At such depot facilities and commission ticket agencies used jointly by the carriers, service, travel information, and ticket sales shall be impartial, without preference or discrimination for or against either of such carriers.

2. Subject to obtaining authorization from the Board of Railroad Commissioners of the State of Montana, the Burlington Transportation Company shall provide passenger service for intrastate passengers moving between Billings, Montana, and the Wyoming-Montana State Line via Bridger, Montana, over U. S. Highway No. 310, and to, from, or between all intermediate points, providing passengers traveling only between Billings, Montana, and Bridger, Montana, and to, from, or between all points intermediate thereto, hold tickets issued by the Northern Pacific Transport Company.

3. The carriers forthwith shall file with the Interstate Commerce Commission in

respect of transportation in interstate or foreign commerce, and with the Board of Railroad Commissioners of the State of Montana, in respect of transportation in intrastate commerce, and publish in accordance with law, and continue in effect until further order, tariffs or appropriate supplements to filed tariffs, setting forth any changes in the fares, charges, operations, rules, regulations and practices of each carrier which may be necessary to accord with the provisions of this order; and forthwith shall apply to said Commission and each such regulatory body for special permission for such tariffs or supplements to become effective on one day's notice.

4. Communications concerning this order should be addressed to the Division of Local Transport, Office of Defense Transportation, Washington, D. C., and should refer to "Special Order ODT B-39".

This order shall become effective March 27, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C. this 13th day of March 1943.

JOSEPH B. EASTMAN,
Director, Office of Defense Transportation.

[F. R. Doc. 43-4186; Filed, March 18, 1943; 11:47 a. m.]

PRIVATE CARRIERS OF PROPERTY BY MOTOR VEHICLE

JOINT ACTION PLAN OF MILK DISTRIBUTORS IN ALBANY MILK MARKETING AREA OF NEW YORK

Pursuant to a provision of a general order issued by the Office of Defense Transportation for the purpose, among others, of conserving and providently utilizing motor vehicles and vital equipment, materials and supplies, (General Order ODT 6, as amended, superseded in part by General Order ODT 17, as amended (7 F.R. 3008, 3532, 4184; 7 F.R. 5678, 7694)), the private carriers named in the Appendix hereof have filed with the Office of Defense Transportation for approval a joint action plan relating to the transportation and delivery by motor vehicle of milk in the Albany Milk Marketing Area, New York.

The participants have agreed that all retail delivery and distribution of milk in such Area shall be on an every-other-day basis, and that not more than one call every two days shall be made at the premises of any retail customer except as permitted by paragraph (a) of § 501.32 of General Order ODT 6, as amended (now governed by General Order ODT 17, as amended). Those distributors operating retail routes agree not to make any deliveries, except wholesale deliveries, from such routes prior to 7 o'clock A. M. during any calendar day. The parties further agree, in order to shorten routes and reduce mileage of motor vehicles, that customers, routes or portions of routes, may be exchanged.

It appearing that the proposed joint action plan is in conformity with General Order ODT 17, as amended, and that the effectuation thereof will accomplish substantial conservation and efficient utilization of motor trucks and vital materials and supplies, the attainment of which purposes is essential to the successful prosecution of the war, I have approved the plan and recommend that the Chairman of the War Production Board find and certify under Section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with said joint action plan, is requisite to the prosecution of the war.

Issued at Washington, D. C., this 16th day of March 1943.

JOSEPH B. EASTMAN,
Director, Office of Defense Transportation.

APPENDIX

1. Elm Farm Dairy, Inc.
2. General Ice Cream Corp.
3. Bergmann's Dairy.
4. Henry Dubl.
5. Jersey Farm's Dairy, Inc.
6. Crescent Dairy.
7. Norman's Kill Farm Dairy Co.
8. Borden Boulevard Dairy.
9. Leonard Bol, Jr.
10. Milton A. Dabert.
11. Garnee Farm.
12. C. J. Momrow.
13. E. J. Newbury.
14. F. Momrow & Sons.
15. Prentice R. Redden.
16. North Sholor Farm Dairy.
17. Central Dairy.
18. Arthur O. Rapp.
19. Jordan's Dairy.
20. A. W. Ebut & Son.
21. Schark Dairy.
22. Brodys Dairy, Inc.
23. Julius W. Preake.
24. Charles Minick.
25. James H. Petersen.
26. Peter P. Verdegool.
27. Elmer S. Crounse.
28. Charles L. Var Wie.
29. Orville H. Mosher.
30. Diederich, Inc.
31. Second Ave. Dairy.
32. Corning Farms.
33. Vlaumanskill Farms.
34. Youmans Farm.
35. Peter Dickens.
36. S. R. Hoffman.
37. C. Crocker.

[F. R. Doc. 43-4188; Filed, March 18, 1943; 11:48 a. m.]

[Order 199 Under MPR 188]

OLSAN RIVERSIDE FURNITURE COMPANY

APPROVAL OF MAXIMUM PRICES

Correction

In paragraph (a) appearing on page 2953 of the issue for Wednesday, March 10, 1943, the price for "Using hard wood" should be $7.00 instead of $7.60.

SECURITIES AND EXCHANGE COMMISSION.

[File No. 59-59]

AMERICAN STATES UTILITIES CORP., ET AL.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 16th day of March, A. D. 1943.

In the matter of American States Utilities Corporation, Edison Sault Electric Company, Southern California Water Company, Grimes Pass Power Company, respondents.

The Commission having examined the corporate structure of American States Utilities Corporation, a registered holding company, and the corporate structure of its subsidiary companies; namely, Edison Sault Electric Company, Southern California Water Company, and Grimes Pass Power Company, the relationships among such companies, the character of the interests thereof and the properties owned and controlled thereby, and having examined the files and records of the Commission relating thereto, and such examination having disclosed data establishing or tending to establish the following:

(1) American States Utilities Corporation is a registered holding company under the Public Utility Holding Company Act of 1935, organized under the laws of Maryland, maintaining its principal place of business at 10 Light Street, Baltimore, Maryland.

(2) American States Utilities Corporation has three subsidiaries; namely, Edison Sault Electric Company, Grimes Pass Power Company, and Southern California Water Company, and American States Utilities Corporation owns 100% of the outstanding common stock of each of such subsidiaries. In addition, American States owns 3,800 shares of the common stock of Central Electric and Telephone Company, which is less than 5% of the outstanding voting securities of said company.

(3) The corporate and consolidated capitalization, including surplus per books, of American States Utilities Corporation, as of December 31, 1942, was as follows:

	Consolidated		Corporate	
	Amount	Percent	Amount	Percent
Funded Debt:				
Southern California Water Company Bonds and Notes	$4,000,000	40.01	----------	----------
Edison Sault Electric Company Bonds and Notes	1,070,000	10.70	----------	----------
Total Funded Debt	$5,070,000	50.71	----------	----------
Preferred Stocks:				
Southern California Water Company Preferred Stock	$800,000	8.00	----------	----------
American States Utilities Corporation Preferred Stock	3,243,075	32.44	$3,243,075	81.35
Total Preferred Stocks	$4,043,075	40.44	$3,243,075	81.35
Common Stock and Surplus:				
American States Utilities Corporation Common Stock	$221,088	2.21	$221,088	5.54
Earned Surplus	236,600	2.37	95,135	2.39
Capital Surplus	427,239	4.27	427,239	10.72
Total Common Stock & Surplus	$884,927	8.85	$743,462	18.65
Total Capitalization	$9,998,002	100.00	$3,986,537	100.00

(4) Edison Sault Electric Company is a corporation organized and existing under the laws of the State of Michigan, to which State its operations are confined. It owns and operates facilities used for the generation, transmission, and distribution of electric energy for sale in the upper peninsula of Michigan and on Mackinac Island, Michigan, and is an electric utility company as defined by section 2 (a) (3) of the Public Utility Holding Company Act of 1935. Edison Sault Electric Company also furnishes water and sewerage service to a portion of the area served by it with electric energy.

(5) Grimes Pass Power Company is a corporation organized and existing under the laws of the State of Idaho, to which State its operations are confined. It owns and operates facilities used for the generation, transmission, and distribution of electric energy for sale within the towns of Grimes Pass, Idaho City, Centerville, Peaceville, and Quartzville, all located in Boise County, Idaho.

(6) Southern California Water Company is a corporation organized and existing under the laws of the State of California, to which State its operations are confined. The principal business of Southern California Water Company is that of supplying water to consumers in and about the City of Los Angeles, California. This company owns and operates facilities used for the distribution of electric energy for sale and distributes and sells such electric energy in one community, namely, Big Bear Lake, California. It is also engaged in the ice business. As of December 31, 1942, the revenue derived from the electric business represented approximately 4% of this company's gross revenue.

(7) The electric utility assets of none of said three subsidiary companies of American States Utilities Corporation are physically interconnected with the electric utility assets of either of the other two such subsidiary companies or capable of such physical interconnection. The electric utility assets of the three subsidiary companies cannot be economically operated as a single interconnected and coordinated system confined in its operations to a single area or region, nor can the electric utility assets of any two of such subsidiary companies of American States Utilities Corporation be so operated.

(8) No part of the utility assets of any of the subsidiary companies of American States Utilities Corporation is located in the same state in which any part of the utility assets of either of the two other such subsidiary companies is located, or in an adjoining state.

(9) The holding company system constituted by American States Utilities Corporation and its subsidiary companies is not limited in its operation to a single integrated public utility system, and to such other businesses as are reasonably incidental, or economically necessary or appropriate to the operations of such integrated public utility system, and systems additional thereto control of which may be retained by American States Utilities Corporation under section 11 (b) (1) of the act;

(10 The corporate structure or continued existence of American States Utilities Corporation unduly or unnecessarily complicates the structure of the American States Utilities Corporation holding company system.

It further appearing to the Commission that it is appropriate and in the public interest that notice be given and a hearing be held for the purpose of determining what action, if any, should be ordered by the Commission under sections 11 (b) (1) and 11 (b) (2) of said act;

It further appearing to the Commission that said proceedings under sections 11 (b) (1) and 11 (b) (2) of said Act involve common questions of law and fact and should be consolidated and heard together;

It is ordered, That proceedings be instituted pursuant to sections 11 (b) (1) and 11 (b) (2) against American States Utilities Corporation, Southern California Water Company, Edison Sault Electric Company, and Grimes Pass Power Company and that said companies be made respondents herein.

It is further ordered, That said proceedings under sections 11 (b) (1) and 11 (b) (2) be and the same hereby are consolidated.

It is further ordered, That American States Utilities Corporation, Southern California Water Company, Edison Sault Electric Company, and Grimes Pass Power Company, respondents herein, shall file with this Commission, on or before March 26, 1943, an answer or answers admitting, denying, or otherwise explaining their respective positions with respect to the allegations set forth in paragraphs numbered 1 to 10, inclusive, of this notice and order.

It is further ordered, That hearings on the proceedings under sections 11 (b) (1) and 11 (b) (2) herein instituted be held on March 31, 1943 at 10:00 a. m., E. W. T., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated on that day by the hearing-room clerk in Room 318.

It is further ordered, That without limiting the scope of the issues presented by the proceedings herein instituted by the Commission, particular attention will be directed at the hearing to the following matters and questions but not necessarily in the order listed:

(1) Whether the allegations set forth in paragraphs numbered 1 to 10, inclusive, in this notice and order are true and accurate; and

(2) Whether the electric utility assets of Edison Sault Electric Company and of Grimes Pass Power Company constitute a single integrated public utility system or a single integrated public utility system and system additional thereto, control of which may be retained by American States under section 11 (b) (1) of the Act;

(3) Whether the businesses conducted by Southern California Water Company and the investment in Central Electric and Telephone Company are reasonably incidental or economically necessary or appropriate to the operations of the electric utility properties of Edison Sault Electric Company and Grimes Pass Power Company;

(4) Whether the continued existence of American States Utilities Corporation in the holding-company system of which it is a part unduly or unnecessarily complicates the structure of that holding-company system, and, if so, what action shall be required to be taken pursuant to section 11 (b) (2) of the Act with respect thereto;

(5) Whether the Commission should enter an order pursuant to section 11 (b) (2) requiring that American States Utilities Corporation liquidate and dissolve.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matters. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the Public Utility Holding Company Act of 1935 and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That jurisdiction be and is hereby reserved to separate, whether for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues or questions hereinbefore set forth or which may arise in these proceedings, or to consolidate these proceedings or any portion thereof with any proceedings which may be instituted subsequently under any other provisions of said Act with respect to American States Utilities Corporation and its subsidiary companies, and to take such other action as may appear conducive to an orderly, prompt and economic disposition of the matters involved.

It is further ordered, that notice of said hearing is hereby given to American States Utilities Corporation and its subsidiary companies, namely, Southern California Water Company, Edison Sault Electric Company and Grimes Pass Power Company, and to their respective security holders, all States, municipalities and political subdivisions of States within which are located any of the physical assets of said companies, or under the laws of which any of said companies are incorporated, all State commissions, State securities commissions, and all agencies, authorities or instrumentalities of one or more States, municipalities or other political subdivisions having jurisdiction over such companies or over any of the business, affairs or operations of any of them; that the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this order by registered mail to such companies, the Federal Power Commission, and the Public Service Commission of Idaho, the Michigan Public Service Commission and the Railroad Commission of the State of California, not less than fifteen days prior to the date hereinbefore fixed as the date for filing of answers; that such notice shall be given further by a general release of the Commission, distributed to the press and mailed to the

mailing list for releases under the Public Utility Holding Company Act of 1935; and that further notice be given to all persons by publication of this order in the FEDERAL REGISTER not less than fifteen days prior to the date hereinbefore fixed as the date of hearing; and

It is further ordered, That any person proposing to intervene or to be heard in these proceedings shall file with the Secretary of the Commission on or before March 26, 1943 his request or application therefor as provided by Rule XVII of the Rules of Practice of the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-4136; Filed, March 17, 1943; 10:50 a. m.]

[File No. 70-657]

PUGET SOUND POWER & LIGHT COMPANY

INTERIM ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE SUBJECT TO RESERVATION OF JURISDICTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 16th day of March 1943.

Puget Sound Power & Light Company, a subsidiary of Engineers Public Service Company, a registered holding company, having filed a declaration and various amendments thereto pursuant to section 7 of the Public Utility Holding Company Act of 1935 regarding the issuance and sale in accordance with Rule U-50 promulgated under said Act, of $52,000,000 principal amount of first mortgage bonds due December 1, 1972, and the issuance and sale of $6,500,000 principal amount of 3⅛% promissory notes maturing serially 1943 to 1948, by private sale to certain banks pursuant to the exemption provided in paragraph (a) (2) of said Rule U-50 for the purpose of refunding outstanding debt; such issuances and sales being undertaken in order to achieve certain savings contemplated to result therefrom;

A public hearing having been held on said declaration, as amended, after appropriate notice, the Commission having considered the record in this matter and having made and filed its Findings and Opinion herein;

It is ordered, Subject to Commission approval by further order after the terms of the bond financing and the aforementioned savings, if any, have been determined by competitive bidding, that said declaration, as amended, relating to the issuance and sale of bonds and notes be and hereby is permitted to become effective.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-4166; Filed, March 18, 1943; 9:55 a. m.]

[File Nos. 59-14, 54-19]

INTERNATIONAL HYDRO ELECTRIC SYSTEM, ET AL.

ORDER ELIMINATING SUBSIDIARY HOLDING COMPANIES

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 17th day of March 1943.

In the matter of International Hydro Electric System, New England Power Association, Massachusetts Power and Light Associates, North Boston Lighting Properties, The Rhode Island Public Service Company, Massachusetts Utilities Associates Common Voting Trust, Massachusetts Utilities Associates, respondents.

Order requiring the elimination of subsidiary holding companies in New England Power Association holding company system.

The Commission having on June 17, 1940 issued its Notice of and Order for Hearing pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935 with respect to International Hydro-Electric System, a registered holding company, for the purpose of effecting compliance by International Hydro Electric System with the provisions of section 11 (b) (2) of the Act; prior to any evidence having been taken with respect to the issues raised in said order, the Commission having on October 21, 1940 issued its first Supplemental Notice of and Order for Hearing enlarging the scope of the hearing previously called for and naming Joseph B. Ely, C. Brooks Stevens and Henry G. Wells, as Trustees under a Trust Agreement dated January 31, 1939, a registered holding company, as additional parties respondent for the purpose of effecting compliance by said Trustees with the provisions of section 11 (b) (2) of the Act; evidence having then been taken with respect to the issues raised in the first Supplemental Notice of and Order for Hearing and said issues having been separately disposed of by an order of the Commission dated January 17, 1941 wherein it was ordered that said Trustees cease to be a holding company with respect to International Hydro-Electric System and its subsidiaries and that they surrender to International Hydro-Electric System the 2,500,000 shares of common stock and 1,000,000 shares of Class B stock of International Hydro-Electric System held by them for a consideration not to exceed one dollar ($1) (Holding Company Act Release No. 2494); and

The Commission having on February 8, 1941, issued its Second Supplemental Notice of and Order for Hearing enlarging the scope of the hearing previously called for and naming as additional parties respondent certain of the subsidiary holding companies of International Hydro-Electric System, namely New England Power Association, Massachusetts Power and Light Associates, North Boston Lighting Properties, The Rhode Island Public Service Company, Massachusetts Utilities Associates Common Voting Trust and Massachusetts Utilities Associates, for the purpose of effecting compliance by said subsidiary holding companies with the provisions of section 11 (b) (2) of the Act; and the Commission having by an order dated February 27, 1941 consolidated a proceeding involving a plan for the liquidation of North Boston Lighting Properties filed by Massachusetts Power and Light Associates and North Boston Lighting Properties pursuant to section 11 (e) of said Act (bearing File No. 54-19) with the proceedings herein; and

The Commission having on July 1, 1941 issued its order reconvening hearings herein and specifying that certain matters relating to certain of the Respondents be taken up and considered for disposition and determination prior to other matters relating to such Respondents and to other Respondents; and

The Commission having on April 14, 1942 issued its order reconvening hearings herein and specifying that the issues relating to International Hydro-Electric System be taken up for consideration and determination; the record with respect to the issues specified in said order of April 14, 1942, having been considered by the Commission and separately disposed of by an order of the Commission dated July 21, 1942 wherein International Hydro-Electric System was directed to liquidate and dissolve and to proceed with due diligence to submit to this Commission a plan of its liquidation and dissolution (Holding Company Act Release No. 3679); and

Hearings have been held with respect to the matters specified in said order of July 1, 1941 and counsel for the Respondents and for the Public Utilities Division of the Commission having stipulated that the record may be closed with respect to such specified matters, and that the Commission may proceed to enter its findings, opinion and order with respect to such specified matters; and

Counsel for the Respondents having waived any right to a trial examiner's report or to submit proposed findings of fact, oral argument or briefs with respect to such specified matters; and

The Commission having examined the record herein with respect to the aforesaid specified matters and having this day made and filed its findings and opinion thereon, finding *inter alia* that the action hereinafter directed to be taken is necessary to ensure that the continued existence of Massachusetts Power and Light Associates, North Boston Lighting Properties, Massachusetts Utilities Associates Common Voting Trust, Massachusetts Utilities Associates and The Rhode Island Public Service Company, and each of them, as holding companies in the New England Power Association holding company system, shall not unduly or unnecessarily complicate the structure, or unfairly or inequitably distribute voting power among the security holders, of the holding company system of New England Power Association, and that the corporate structure of Massachusetts Utilities Associates shall not unduly or unnecessarily complicate the structure, or unfairly or inequitably distribute voting

power among security holders, of the Massachusetts Utilities Associates holding company system and of the New England Power Association holding company system, and that the corporate structure of Massachusetts Power and Light Associates shall not unduly or unnecessarily complicate the structure, or unfairly or inequitably distribute voting power among the security holders of the Massachusetts Power and Light Associates holding company system and of the New England Power Association holding company system;

It is hereby ordered, Pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935, that:

1. New England Power Association and Massachusetts Power and Light Associates shall take, or cause to be taken, such action as may be necessary to eliminate Massachusetts Power and Light Associates as a holding company in the New England Power Association holding company system;

2. New England Power Association, Massachusetts Power and Light Associates and North Boston Lighting Properties shall take, or cause to be taken, such action as may be necessary to eliminate North Boston Lighting Properties as a holding company in the New England Power Association holding company system;

3. New England Power Association and Massachusetts Utilities Associates Common Voting Trust shall take, or cause to be taken, such action as may be necessary for Massachusetts Utilities Associates Common Voting Trust to be liquidated and dissolved;

4. New England Power Association, Massachusetts Utilities Associates Common Voting Trust and Massachusetts Utilities Associates shall take, or cause to be taken, such action as may be necessary to eliminate Massachusetts Utilities Associates as a holding company in the New England Power Association holding company system; and

5. New England Power Association and The Rhode Island Public Service Company shall take, or cause to be taken, such action as may be necessary to eliminate The Rhode Island Public Service Company as a holding company in the New England Power Association holding company system; and

It is further ordered, That said New England Power Association, Massachusetts Power and Light Associates, North Boston Lighting Properties, Massachusetts Utilities Associates Common Voting Trust, Massachusetts Utilities Associates and The Rhode Island Public Service Company shall proceed with due diligence to submit to this Commission a plan or plans to effect prompt compliance with the foregoing orders pursuant to section 11 (b) (2) of said Act and shall take such further steps as may be necessary or appropriate to effectuate this order; and

It is further ordered, That jurisdiction be, and the same hereby is, reserved for the purpose of considering any and all plans for compliance with the action hereinbefore ordered, for the purpose of entering such further orders as may be necessary or appropriate to ensure that the action hereinbefore ordered is accomplished in a manner consistent with the public interest and with the provisions of the Public Utility Holding Company Act of 1935 and for the purpose of entering such further orders as may be necessary or appropriate with respect to any of the remaining issues in this proceeding.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-4165; Filed, March 18, 1943; 9:55 a. m.]

[File No. 70-687]

THE RAILWAY AND BUS ASSOCIATES

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 16th day of March 1943.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935, by The Railway and Bus Associates, an indirect subsidiary of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company; and

All interested persons are referred to the said declaration which is on file in the office of the said Commission for a statement of the transaction therein proposed which is summarized below:

The Railway and Bus Associates propose to sell to Syracuse Transit Corporation, an affiliate, $211,300 principal amount of Syracuse Transit Corporation Thirty-Year Noncumulative Income Notes, due September 1, 1969, at 80 flat, the total consideration amounting to $169,040.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to such matters;

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the Rules of the Commission thereunder be held on March 29, 1943, at 10 a. m., E. W. T., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held;

It is further ordered, That Paul Littlefield, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearings in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice;

It is further ordered, That any other person desiring to be heard in connection with these proceedings or proposing to intervene herein shall file with the Secretary of the Commission, on or before March 27, 1943, his request or application therefor as provided by Rule XVII of the Rules of Practice of the Commission;

It is further ordered, That, without limiting the scope of the issues presented by said declaration, particular attention will be directed at such hearing to the following matters:

1. Whether the consideration to be received from the sale of the Syracuse Transit Corporation securities is fair and reasonable;

2. The propriety of the proposed accounting treatment of the transaction on the books of the declarant;

3. Whether it is necessary or appropriate to impose terms or conditions in the public interest or for the protection of investors;

4. Whether the proposed sale complies with all the provisions and requirements of the Public Utility Holding Company Act of 1935 and all rules and regulations promulgated thereunder, and is not detrimental to the public interest or the interest of investors or consumers.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 43-4167; Filed, March 18, 1943; 9:55 a. m.]

[File No. 54-52]

PUGET SOUND POWER & LIGHT COMPANY AND ENGINEERS PUBLIC SERVICE COMPANY

ORDER APPROVING PLAN

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 16th day of March 1943.

An application and amendments thereto having been filed by Engineers Public Service Company, a registered holding company, for approval of an amended plan filed herein under section 11 (e) of the Public Utility Holding Company Act of 1935 for the purpose of fairly and equitably distributing voting power among the security holders of Puget Sound Power & Light Company, a subsidiary of Engineers Public Service Company, and Puget Sound Power & Light Company having joined in the application, the plan, and amendments thereto, for the purpose of submitting itself to the jurisdiction of the Commission;

The said plan providing among other things for the following transactions:

1. The issuance of ¼ share of additional Prior Preference stock and a special cash dividend of $2.50 in extinguishment of dividend arrearages on each share of outstanding Prior Preference stock.

2. The issuance of new common stock, $50 par value, in the ratio of 96.97% of such new common stock to the holders of outstanding Preferred stock and 3.03% to the holders of outstanding common stock, so that:

a. in place of and in exchange for each share of outstanding Preferred stock and all dividend arrearages thereon, there will be given 1⅗ shares of new common stock

b. in place of and in exchange for each 100 shares of outstanding common stock, there will be given 1 share of new common stock

3. The plan is predicated upon certain savings contemplated to arise from refinancing the company's debt through the issuance and sale, at competitive bidding, of $52,000,000 principal amount of new first mortgage bonds, due 1972, at an interest rate estimated to be 3½%, and $6,500,000 principal amount of 3⅛% promissory notes maturing serially 1943 to 1948, by private sale to certain banks;

Hearings having been duly held after appropriate notice and the Commission having made its findings herein;

On the basis of said findings and pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, *It is hereby ordered*, That said plan as amended be and it hereby is approved, subject, however, to the following terms, conditions and reservations of jurisdiction:

1. That this order shall be deemed null, rescinded and of no effect in the event that the aforementioned refinancing shall not have been consummated within sixty (60) days of the date of this order.

2. That jurisdiction be and it hereby is reserved to the Commission to reconsider said plan after the terms and conditions of the refinancing have been determined as a result of competitive bidding or in the light of any change in circumstances, and to enter such further orders as it deems advisable amending, modifying or revoking the instant order.

3. That jurisdiction be and it hereby is reserved to the Commission to approve, disapprove, modify or allocate by further order or orders all fees and expenses incurred or to be incurred in connection with said plan, the transactions incident thereto, and the consummation thereof.

4. That jurisdiction be and it hereby is reserved to the Commission to enter such supplemental orders, as the circumstances may permit, conforming to and setting forth the recitals specified in sections 373 (a) and 1808 (f) of the Internal Revenue Code, as amended.

By the Commission, Commissioner Healy dissenting.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 43-4164; Filed, March 18, 1943; 9:55 a. m.]

WAR MANPOWER COMMISSION.

[General Order 7]

INTERIM PROCEDURE FOR REQUESTING DEFERMENT OF GOVERNMENT EMPLOYEES

By virtue of the authority vested in me as Chairman of the War Manpower Commission by Executive Orders Nos. 9139 and 9300 (7 F.R. 2919, 8 F.R. 2911), *It is hereby ordered:*

1. Pending the designation of the Review Committee on Deferment of Government Employees as provided in Part II, paragraph 1 of Executive Order No. 9309, I hereby designate and appoint a Temporary Review Committee on Deferment of Government Employees, as follows: Robert M. Barnett, Chairman; Bernard C. Gavit; and Colonel Edward A. Fitzpatrick.

Until the designation of the Review Committee provided for in Part II, paragraph 1, the Temporary Review Committee is charged with the responsibilities imposed upon, and shall exercise the powers granted to, the Review Committee under Executive Order No. 9309.

II. The head of each agency which is subject to the provisions of Executive Order No. 9309 shall immediately designate a Committee on Deferment of Government Employees as provided in Part II, paragraphs 2 and 3 of Executive Order No. 9309, and notify the Chairman of the Temporary Review Committee of the personnel of the Agency Committee.

III. Pending the issuance by the Chairman of the War Manpower Commission of regulations concerning the submission and approval of a designation of "Key Positions," the Agency Committees may request deferments as provided in Part IV, and deal with the release of employees for voluntary entrance into the armed forces as provided in Part V, and request occupational reclassification as provided in Part VI of Executive Order No. 9309, in conformity to the policies, standards and criteria prescribed by the Executive Order. In acting under Parts IV and V the Agency Committee should use the key list established and used under War Manpower Commission Directive No. XI, unless such list is, as to the employee involved, obsolete or clearly in conflict with the general purpose and policy of Executive Order No. 9309. Immediately upon requesting the deferment of any employee pursuant to this paragraph, the Agency Committee concerned shall transmit to the Temporary Review Committee a copy of any such request together with any supporting material submitted to the local Selective Service Board.

PAUL V. MCNUTT,
Chairman.

MARCH 10, 1943.

[F. R. Doc. 43-4183; Filed, March 18, 1943; 11:32 a. m.]

WAR PRODUCTION BOARD.

[Certificate No. 39]

PENNSYLVANIA GREYHOUND LINES, INC., AND THE LAKE SHORE COACH CO.

COORDINATED OPERATION IN OHIO

The ATTORNEY GENERAL: Pursuant to the provisions of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I submit a copy of Special Order ODT B-38,[1] issued by the Director of The Office of Defense Transportation, in respect of coordinated motor carrier operations between points in the State of Ohio.

For the purpose of the aforesaid section 12 of Public Law No. 603, I have approved said Order; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with Special Order ODT B-38, is requisite to the prosecution of the war.

DONALD M. NELSON,
Chairman.

MARCH 17, 1943.

[F. R. Doc. 43-4190; Filed, March 18, 1943; 11:47 a. m.]

[1] *Supra.*

[Certificate No. 40]

NORTHERN PACIFIC TRANSPORT CO. AND BURLINGTON TRANSPORTATION CO.

COORDINATED OPERATION IN MONTANA

The ATTORNEY GENERAL: Pursuant to the provisions of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I submit a copy of Special Order ODT B-39,[1] issued by the Director of The Office of Defense Transportation, in respect of coordinated motor carrier operations between points in the State of Montana.

For the purpose of the aforesaid section 12 of Public Law No. 603, I have approved said Order; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with Special Order ODT B-39, is requisite to the prosecution of the war.

DONALD M. NELSON,
Chairman.

MARCH 17, 1943.

[F. R. Doc. 43-4191; Filed, March 18, 1943; 11:47 a. m.]

[Certificate No. 41]

ALBANY MILK MARKETING AREA

JOINT DISTRIBUTION PLAN

The ATTORNEY GENERAL: Pursuant to the provisions of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I submit herewith the Recommendation of the Director of The Office of Defense Transportation in respect of a joint action plan by the persons named therein concerning transportation of property by motor vehicle in the Albany Milk Marketing Area, Albany, New York.[1]

For the purpose of the aforesaid section 12 of Public Law No. 603, I have approved the joint action plan recommended thereby; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such joint action plan, is requisite to the prosecution of the war.

DONALD M. NELSON,
Chairman.

MARCH 17, 1943.

[F. R. Doc. 43-4192; Filed, March 18, 1943; 11:47 a. m.]